

* * C O N F I D E N T I A L * *

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

JENNIFER S. FISCHMAN,

Plaintiff,

-against-

Index No. 18-cv-08188

mitsubishi chemical holdings, america, inc.;
mitsubishi chemical corporation; mitsubishi
chemical holdings corporation; nicholas oliva, in
his individual professional capacities; donna
costa, in her individual and professional
capacities; and john does 1-10, in their
individual and professional capacities,

Defendants.

-----X

August 6, 2021
10:13 a.m.

DEPOSITION of RONA WEXLER, a
Non-Party witness, taken by the attorneys for the
Plaintiff, pursuant to Stipulation, held via web
conference, at the above date and time before
Toni Musacchia, a Stenotype Reporter and Notary
Public within and for the State of New York.

1 * * C O N F I D E N T I A L * *

2 A P P E A R A N C E S :

3 VALLI KANE & VAGNINI, LLP
4 Attorneys for Plaintiff
5 600 Old Country Road, Suite 519
6 Garden City, New York 11530

7 BY: MATTHEW L. BERMAN, ESQ.

8 CLARICK GUERON REISBAUM, LLP
9 Attorneys for Defendant, Donna Costa
10 220 Fifth Avenue, 14th Floor
11 New York, New York 10001

12 (NOT PRESENT)

13 GORDON REES SCULLY MANSUKHANI, LLP
14 Attorneys for Defendants, Mitsubishi
15 Chemical Holdings America, Inc., Donna Costa and
16 Nicholas Oliva
17 One Batter Park Plaza, 28th Floor
18 New York, New York 10004

19 BY: BRITTANY L. PRIMAVERA, ESQ.

20 SHEARMAN & STERLING, LLP
21 Attorneys for Defendant,
22 Mitsubishi Chemical Holdings Corporation
23 599 Lexington Avenue
24 New York, New York 10222

25 BY: Sam Jolly, Esq.

ALSO PRESENT:

Jennifer Fischman

* * C O N F I D E N T I A L * *

FEDERAL STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by and between the parties hereto, through their respective Counsel, that the certification, sealing and filing of the within examination will be and the same are hereby waived;

IT IS FURTHER STIPULATED AND AGREED that all objections, except as to the form of the question, will be reserved to the time of the trial;

IT IS FURTHER STIPULATED AND AGREED that the within examination may be signed before any Notary Public with the same force and effect as if signed and sworn to before this Court.

1 * * C O N F I D E N T I A L * *

2 THE REPORTER: It is hereby stipulated
3 and agreed by and between counsel for all
4 parties present that pursuant to Federal
5 Rule of Civil Procedure 28 (a) (2), this
6 deposition is being conducted remotely and
7 that the court reporter shall be permitted
8 to administer the oath to the witness via
9 videoconference. The witness and all
10 counsel are in separate remote locations and
11 participating via Zoom platform under the
12 control of bee reporting agency, Inc.

13 It is further stipulated that this
14 videoconference will not be recorded in any
15 manner and that any recording without the
16 express written consent of all parties shall
17 be considered unauthorized, in violation of
18 law and shall not be used for any purpose in
19 this litigation or otherwise.

20 Before I swear in the witness, I will
21 ask each counsel to stipulate on the record
22 that I, Toni Musacchia, the court reporter,
23 may swear in the witness even though I am
24 not physically in the presence of the
25 witness and that there is no objection to

1 * * C O N F I D E N T I A L * *

2 that at this time, nor will there be an
3 objection at a future date.

4 MR. BERMAN: Agreed.

5 MS. PRIMAVERA: Agreed.

6 MR. JOLLY: Fine with me. Stipulated.

7 THE REPORTER: Ms. Primavera, can you
8 represent that to the best of your knowledge
9 and belief that the witness appearing today
10 via web conference is, in fact, Rona Wexler?

11 MS. PRIMAVERA: Yes.

12 THE REPORTER: Pursuant to?

13 MR. BERMAN: Stipulation.

14 MS. PRIMAVERA: Stipulation.

15 R O N A W E X L E R,

16 The witness herein, having been first
17 duly sworn by Toni Musacchia, a Notary Public in
18 and for the State of New York, was examined and
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MR. BERMAN:

22 Q. Please state your name for the record.

23 A. Rona Wexler.

24 Q. Please state your address for the
25 record.

1 R. Wexler - Confidential

2 A. 15900 Riverside Dr. W, Suite 6C, New
3 York, New York 10032.

4 Q. Good morning, Ms. Wexler -- is it okay
5 if I call you Ms. Wexler today?

6 A. Absolutely.

7 Q. Terrific. Today I will be asking you a
8 series of questions, which you will be
9 responsible for answering, having sworn to tell
10 the truth.

11 If you do not hear one of my questions,
12 please let me know. The microphones on these
13 video conferencing are sometimes unreliable,
14 sometimes blinking or cut out. Please let me
15 know if it cuts off and if I need to repeat
16 anything, I'll be happy to do that. If I'm not
17 loud enough, please let me know and I'll try to
18 restate my question more loudly to make it more
19 audible.

20 If you don't understand one of my questions,
21 please let me know that as well and I will do my
22 best to rephrase it in another way to make it
23 more understandable.

24 Today we have a court reporter with us, she
25 will be transcribing your testimony and my

1 R. Wexler - Confidential

2 questions. It's very difficult for her to take
3 down more than one person at a time. So I am
4 going to do my best today to try to allow you to
5 finish all of your responses without interrupting
6 you. Sometimes it's a little personally
7 challenging for me to do that because I am a New
8 Yorker and I will do my best. If at any point
9 you give a response and you haven't had the
10 opportunity to complete it, please let me know
11 and I will give you the opportunity to finish
12 whatever you have to testify.

13 Similarly, please do your best -- even if you
14 anticipate what I am going to ask you -- to let
15 me get the entire question out so the court
16 reporter can get it down into the record.

17 It is also important today that, to the best
18 of your ability, to give verbal responses rather
19 than physical gestures because she can't take to
20 that down.

21 From time to time you may hear an objection
22 from one of the attorneys. Pursuant to the
23 agreement of the parties in this action, the
24 objections today are to preserve objections to
25 the form of the question at trial. So even if

1 R. Wexler - Confidential

2 you hear an objection, I am going to still expect
3 you to answer the question unless you're
4 specifically instructed by your counsel not to
5 answer.

6 Do you understand that today you're under
7 oath as if you were in a court of law?

8 A. I do.

9 Q. If at any point today you wish to take a
10 break, please let me know and I will be happy to
11 accommodate break requests from you or any other
12 participants -- I intend to call a number of
13 breaks myself. It's not intended to be any kind
14 of endurance competition today. We want you to
15 be comfortable take, we want you to be able to
16 take care of whatever needs to be taken care of.

17 Do you understand all of those sort of ground
18 rules for how we're going to proceed today?

19 A. I understand all of them, yes.

20 Q. Terrific. Are you currently taking or
21 refraining from taking any medication which could
22 affect your ability to testify truthfully and
23 accurately today?

24 A. No, I am not.

25 Q. Do you have any medical condition which

1 R. Wexler - Confidential

2 may affect your ability to testify accurately?

3 A. No.

4 Q. Do you suffer from any medical condition
5 that impairs your memory?

6 A. No.

7 Q. Have you ever been deposed before?

8 A. Yes.

9 Q. How many times have you been deposed?

10 A. Well over a dozen.

11 Q. Are those in connection with lawsuits?

12 A. Yes.

13 Q. Approximately, how many lawsuits have
14 you testified in?

15 A. In testimony bench trial and jury
16 trials, probably somewhere over 75.

17 Q. Okay.

18 A. It's also including arbitrations and --
19 yeah, mostly arbitration.

20 Q. Did you do anything to prepare for
21 today's testimony?

22 A. Yes.

23 Q. Without revealing any privileged
24 communications that you may have had with any
25 attorneys, can you tell me, generally speaking,

1 R. Wexler - Confidential

2 what did you do to prepare for today's testimony?

3 A. I reviewed the report that I submitted.

4 I also reviewed samples of some of the footnotes

5 are that are included in the report. I reviewed

6 the documents that I had prepared to summarize

7 some of the findings in the report, particularly

8 numerically, things of that nature.

9 Q. Okay. Did you -- without telling me the
10 substance, did you meet with any attorneys in
11 connection with your testimony today?

12 A. Did I meet with any attorneys, no.

13 Q. Did you have any communications with any
14 attorneys concerning the substance of your today
15 testimony today?

16 A. Not the substance, no.

17 Q. In connection with your deposition
18 today, did you any communications with anyone
19 else other than attorneys?

20 A. Yes.

21 Q. What was the general nature of those
22 discussions?

23 A. I connected with my -- communicated with
24 my lead evaluator and associate, who is in the
25 Midwest, and he had helped perform the analysis

1 R. Wexler - Confidential

2 of the statistics of the labor market research,
3 et cetera, so I was conferring with him.

4 Q. Are you aware that there are other
5 experts testifying in this case on behalf of the
6 defendants?

7 A. I'm aware of one.

8 Q. Who are you aware of?

9 A. Chad Staller.

10 Q. Did you have any communications with Mr.
11 Staller prior to testifying today?

12 A. No, I did not.

13 Q. Did you provide Mr. Staller a copy of
14 your expert report?

15 A. I did not provide him a copy, no.

16 Q. Did he provide you a copy of his expert
17 report?

18 A. No, he did not provide me a copy of an
19 expert report.

20 Q. Did he provide you with any --

21 MR. BERMAN: Withdrawn.

22 Q. Did Mr. Staller provide you with any
23 information concerning the opinions that he is
24 preparing to offer in this case?

25 A. No, he did not provide me with anything

1 R. Wexler - Confidential

2 regarding his opinion. The only thing he
3 provided was the documentation from Forensic
4 JobStats for the labor market research, since
5 it's an organization we partner with on a
6 frequent basis. He happened to have engaged with
7 them first.

8 Q. Do I understand correctly that to the
9 extent that you relied upon data from the
10 Forensic JobStats' database, that that data was
11 provided to you by Mr. Staller?

12 MS. PRIMAVERA: Objection. If you
13 understand you can respond. Otherwise you
14 can ask him to break it up.

15 A. He did provide the data. We also
16 analyzed it on our own.

17 Q. Setting aside the analysis, did you
18 obtain any Forensic JobStats data independently?

19 A. No, I believe we consulted with FJS to
20 make sure he had it. But other than that, it
21 came from -- I believe it came from Mr. Staller's
22 office.

23 Q. So any data that you possess that you
24 used in your expert report, you obtained it from
25 Mr. Staller; did I get that right?

1 R. Wexler - Confidential

2 MS. PRIMAVERA: Objection.

3 A. Mr. Berman, I'm not really sure. I
4 think we may have asked them to send us that data
5 as well. I would have to double check on that.
6 Because I have all of it here and I'm not sure if
7 they provided it or Mr. Staller's office provided
8 it. I think we got it from FJS once they got
9 permission from Mr. Staller's office.

10 Q. When you refer to FJS, is that an
11 acronym for Forensic JobStats?

12 A. Yes.

13 Q. So the information that was provided to
14 you, did you query the database?

15 A. We don't query the database, Forensic
16 JobStats queries the database. It's rather
17 massive and we don't necessarily query it. We do
18 look at parameters that we want to research.

19 Q. And who determines the parameters that
20 are researched on Forensic JobStats?

21 A. It would be -- well, Mr. Staller's
22 office ordered it and then we looked at those
23 parameters and I believe we also assessed them
24 and believed that they were appropriate.

25 Q. Do you know whether your analysis of the

1 R. Wexler - Confidential

2 Forensic JobStats data differs in any way from
3 Mr. Staller's analysis of that data?

4 A. I would have to check but I think we
5 found -- we went through the numbers and we
6 thought we found a discrepancy, it turned out we
7 did not. So I would say no.

8 Q. When you say "we went through the
9 numbers," who are you referring to?

10 A. My associate, Dr. Turner.

11 Q. Dr. Turner and yourself went through
12 certain numbers, correct?

13 A. Yes.

14 Q. Which numbers did you go through with
15 Dr. Turner?

16 A. The numbers -- with Forensic JobStats,
17 we went through the numbers of the different job
18 openings that were posted that were identified
19 through Forensic JobStats and did some sampling
20 of it as well. That's a pretty much it. And
21 then, although, we had some questions it turned
22 out we were pretty much on the same page.

23 Q. You were pretty much on the same page as
24 what?

25 A. As to the numbers of job openings that

1 R. Wexler - Confidential

2 we found that were published and appropriate and
3 that weren't duplicates.

4 Q. I just want to understand what you're
5 telling me a little bit more closely.

6 You were provided with numbers from Forensic
7 JobStats or from Mr. Staller; is that correct?

8 A. Yes. I'm pretty certain -- I will
9 double check -- it if came directly from Forensic
10 JobStats once we had permission to obtain that
11 information.

12 Q. Okay. Those numbers pertain to what?

13 A. The published job postings that met
14 certain criteria that we believe Ms. Fischman was
15 qualified to make application to.

16 Q. Okay. So are you referring to the
17 quantity of the job postings that were
18 published -- the number of them?

19 A. Yes, the quantity.

20 Q. And you said that those met certain
21 criteria, correct?

22 A. Yes.

23 Q. Who determined what criteria were
24 applied to the query of the FJS database?

25 A. Well, I believe it was Mr. Staller's

1 R. Wexler - Confidential

2 office.

3 Q. Did you use the same criteria for the
4 query that Mr. Staller's office used?

5 A. Well, we didn't order a second run. So
6 whatever was provided to us, that was it. And it
7 appears that we used the same criteria at that
8 point.

9 Q. I'm trying to understand a little more
10 closely.

11 Did you design your own criteria to query the
12 Forensic JobStats' database?

13 A. No, we did not, Mr. Staller's office did
14 that.

15 Q. To the extent that you're using a query
16 of the Forensic JobStats' database, are you
17 relying on the work of Mr. Staller to designate
18 that query.

19 MS. PRIMAVERA: Objection.

20 A. Yes.

21 Q. Did you review the work of Mr. Staller
22 in designating that query at the Forensic
23 JobStats' database?

24 A. We reviewed the criteria that he used to
25 source those jobs. He did provide those.

1 R. Wexler - Confidential

2 Q. Are those criteria listed somewhere on
3 your with expert report?

4 A. I don't believe so.

5 Q. Okay. So can --

6 MR. BERMAN: Withdrawn.

7 Toni, can you please pull up the expert
8 report. It's one of the exhibits that was
9 sent to you.

10 Mark this exhibit as Wexler Exhibit 1.
11 And for identification, this is the report
12 that was prepared by Rona E. Wexler, M.A.,
13 ABVE/D and it's entitled Jennifer Fischman
14 Vocational Evaluation Report.

15 (Wexler Exhibit 1, marked for
16 identification.)

17 MR. BERMAN: Toni, can you scroll back
18 up to the top of the document so we can see
19 the table of contents.

20 Can you, please, turn to page 36 of the
21 document.

22 Q. Ms. Wexler, are you looking at Appendix
23 C?

24 A. I am.

25 Q. Is this a list of materials that your

1 R. Wexler - Confidential

2 report is relying on?

3 A. Yes.

4 Q. I don't see any indication concerning
5 your reliance upon the materials provided by
6 Mr. Staller.

7 A. No, I do not -- and that is an
8 oversight. Normally we attach the appendix, if
9 we wish, whatever was requested, so it becomes
10 clear and we also referenced it in the report.
11 However, it not listed in Appendix C. I
12 understand that.

13 Q. Was there any other material that was
14 provided to you by Mr. Staller besides the
15 Forensic JobStats information that you described
16 already?

17 A. No, that was the only documentation that
18 we were interested in.

19 Q. Are there any under other materials that
20 your report relies upon that are not listed in
21 Appendix C?

22 A. Not that I can recall at this time.

23 Q. Do you know why two different experts in
24 this case are looking at the same Forensic
25 JobStats information?

1 R. Wexler - Confidential

2 A. I can only tell you what I know about
3 why we use it. So ordinarily in a case like
4 this, I would have requested the use -- I would
5 have requested the use of Forensic JobStats with
6 counsel. They had already engaged Mr. Staller
7 and said that he had ordered it already. There
8 were no point in --

9 MS. PRIMAVERA: Objection. Please don't
10 disclose any attorney/client conversations.

11 THE WITNESS: Right.

12 Q. Do you know what Mr. Staller was asked
13 to opine on in this case?

14 MS. PRIMAVERA: Objection.

15 A. I've worked with Mr. Staller before and
16 he does economical calculations on damages, I
17 guess, but that's all I know.

18 Q. All right. Do you know what scope of
19 work Mr. Staller was retained to provide in this
20 case?

21 A. Not specifically.

22 Q. What scope of work were you retained to
23 provide in this case?

24 A. My scope of work was to evaluate Ms.
25 Fischman's employability -- employee capabilities

1 R. Wexler - Confidential

2 as to how she can apply that to other employment
3 and to evaluate the diligence of her job search
4 to find such employment.

5 Q. Okay. Were you retained according -- or
6 pursuant to a contract?

7 A. You mean, was I retained? I'm not sure
8 I understand the question.

9 Q. Is the work that you're providing in
10 this case pursuant to a written instrument?

11 A. Yes, I have a retainer agreement with
12 counsel.

13 Q. Does that retainer agreement set forth
14 the scope of work?

15 A. It's a standard retainer agreement. And
16 it pretty encompasses the one thing -- yes, it
17 pretty much covers the services. It's all
18 inclusive. Some services may not or may not be
19 utilized.

20 Q. Does your standard retainer agreements
21 provide that your scope of work will include any
22 evaluation of employment capabilities to be
23 applied to other employment?

24 A. Yes, it will include that type of
25 evaluation, yes, sir.

1 R. Wexler - Confidential

2 Q. Does your standard agreement's scope of
3 work include evaluating the diligence of a
4 person's job search efforts?

5 A. Yes.

6 Q. Does your standard agreement's scope of
7 work include performing an analysis of duration
8 of unemployment?

9 A. It will not state that specifically,
10 sir.

11 Q. Do you know whether the scope of work in
12 your standard retainer agreement overlaps with
13 the scope of work that Mr. Staller was engaged to
14 perform.

15 A. It may have overlapped.

16 Q. Okay.

17 A. I didn't communicate with Mr. Staller so
18 I don't know to, you know, if there was an
19 overlap.

20 Q. Did you take any steps to ensure there
21 would be no duplication of work provided in this
22 case?

23 A. I performed my own work according to the
24 practices that I generally employ. So if there
25 is some duplication -- it could happen but it's

1 R. Wexler - Confidential

2 nothing that I checked.

3 Q. Do you know whether Mr. Staller offered
4 any opinions on the same subject matter that your
5 offering opinions on?

6 A. No, I do not.

7 Q. Do you know whether Mr. Staller reached
8 any different opinions than the ones that you
9 reached in this matter?

10 A. No, I have no knowledge of Mr. Staller's
11 opinion.

12 Q. Did you make any changes to the scope of
13 work in your standard retainer agreements in
14 order to provide testimony in this case?

15 A. I don't believe I did. I believe it was
16 a standard -- rather all-encompassing standard
17 agreement.

18 Q. Can you tell me what opinions you're
19 offering in this report?

20 A. My opinions refer to a couple of
21 different areas.

22 One is evaluating Ms. Fischman's
23 employment history and the skills and knowledge
24 and capability she developed throughout heifer
25 career. How those might apply to related

1 R. Wexler - Confidential

2 occupations for employment where she could be a
3 competitive candidate to find employment in those
4 areas -- those roles.

5 And then it was to evaluate what was a
6 reasonable expectation about the duration of her
7 unemployment.

8 And lastly what efforts she made to find
9 such employment that met the standards of a
10 reasonable diligent job search during her period
11 of unemployment.

12 Q. Okay. Feel free to reference or to
13 direct the court reporter to scroll you through
14 the document if that assists you in providing
15 answers, okay.

16 With that understanding that you're free to
17 instruct the reporter to change the display, how
18 many opinions are you offering in this expert
19 report?

20 A. I think we should go to the summary so I
21 can take a look at that just to be sure. The
22 summary will be probably be somewhere on page 25
23 or 23 -- something like that.

24 As you can see in the summary on page
25 23, I summarized a statement about Ms. Fischman's

1 R. Wexler - Confidential

2 extensive experience and employment history as a
3 lawyer and some of the areas in which she had
4 practiced.

5 And then the other opinion -- opinions
6 that I offered was her failure to meet minimal
7 standards of time, effort, recordkeeping or
8 performing a variety of activities and
9 decisionmaking that would necessitate a diligent
10 and effective job search.

11 MR. BERMAN: Toni, can you scroll down
12 slowly so the witness can see this summary
13 continues to the next page.

14 Q. Ms. Wexler, let me know when you had
15 opportunity to look over the summary.

16 A. Uh-huh.

17 Q. Just referring to the portion of the
18 answer you just gave me, how many opinions does
19 that reflect; is that one opinion or multiple
20 opinions?

21 A. Well, one opinion is about her
22 qualifications, obviously, and the -- what we
23 would call the employability assets that she
24 would bring to a future employer, so that is one
25 opinion.

1 R. Wexler - Confidential

2 The other one is the diligence of her
3 job search, how she planned it, carried it out,
4 and how it met the standards that's known in my
5 profession as the standards of a diligent job
6 search. And inside of that opinion is that her
7 quantity of job search activities, in my
8 professional opinion, were at a reasonably low
9 number during the 19 month period following her
10 departure from Mitsubishi.

11 Q. So is that three opinions?

12 A. Well, I would say that the last portion
13 of my answer is embedded in the major opinion
14 about efforts to execute a diligent job search.

15 Q. Okay. Do we agree then you're offering
16 two opinions?

17 A. It appears so.

18 Q. Are you offering any other opinions in
19 this matter at trial -- if it goes to trial?

20 A. Can we scroll down to the conclusion
21 please just so I can make sure I see that.

22 Q. Sure.

23 A. Further down -- just this page.

24 The other opinion I have proffered is
25 that within a certain period of time she had a

1 R. Wexler - Confidential

2 reasonable expectation to have found new
3 employment as a lawyer with compensation that
4 would be comparable to what she had last earned
5 at Mitsubishi.

6 Q. Did you say within employment comparable
7 to what she had at Mitsubishi?

8 A. With employment -- with employment or
9 compensation.

10 MR. BERMAN: Toni, can you please pull
11 up -- it's going to be another exhibit
12 marked Wexler Exhibit 2 -- PDF labeled
13 2020.09 CV, underscore, Rona Wexler.

14 (Wexler Exhibit 2, marked for
15 identification.)

16 THE WITNESS: Yes, that's my CV.

17 MR. BERMAN: I've identified for the
18 record that Wexler Exhibit 2 is the CV that
19 we were provided for Rona Wexler.

20 Q. Ms. Wexler, are you looking at the
21 document?

22 A. Yes. It's cut at the top -- yes, I am.

23 Q. You've seen this document before,
24 correct?

25 A. Yes, I've seen it many times.

1 R. Wexler - Confidential

2 Q. Is it a current version of your CV?

3 A. At the time, yes. It's still pretty
4 current, yes.

5 Q. Have there been any material changes to
6 your CV since you provided it in this matter?

7 A. I would say no material changes, no.

8 Q. Does this CV reflect your qualifications
9 to give testimony in this matter?

10 A. I believe it does.

11 Q. Do you have any other qualifications to
12 provide testimony in this matter that are not
13 listed in your CV?

14 A. I don't believe so.

15 Q. Do you have a degree in undergraduate
16 education?

17 A. I do. I have baccalaureate degree from
18 Emerson College with major in English literature
19 and two minors; one in education and the other is
20 in communications -- speech and communications.

21 Q. Do you have any other postgraduate
22 degrees?

23 A. I have a graduate degree and a Master of
24 Arts from New York University Steinhardt School
25 of Education in counseling, psychology and

1 R. Wexler - Confidential

2 guidance.

3 Q. Do you have any other degrees?

4 A. No, I do not.

5 Q. Do you have any scientific training?

6 A. No.

7 Q. Do you have any statistical training?

8 A. Other than what I encountered in my
9 graduate studies, no.

10 Q. Did you have statistical training in
11 your graduate studies?

12 A. Somewhat.

13 Q. What was the extent of your statistical
14 training in your graduate studies?

15 A. A basic course in statistics.

16 Q. Are you an expert in statistics?

17 A. Absolutely not.

18 Q. Do you have any degrees in economics?

19 A. No.

20 Q. Do you have any certifications in
21 economics?

22 A. No, I do not.

23 Q. Do you have any degrees in labor market
24 analysis?

25 A. I don't have a degree in labor market

1 R. Wexler - Confidential

2 analysis.

3 Q. Do you have a degree in economics?

4 A. No, I do not.

5 Q. Do you have any certifications in labor
6 market analysis?

7 A. The only certification I have is as a
8 diplomate with American Board of Vocational
9 Experts, which requires us to have knowledge and
10 ability to assess labor market research.

11 Q. What is the American Board of Vocational
12 Experts?

13 A. It is a national organization that
14 provides certification credentials for forensic
15 vocational evaluations.

16 Q. You mentioned that you are a diplomate
17 from that entity, correct?

18 A. I did.

19 Q. Is a diplomate a certification?

20 A. It is.

21 Q. What are the elements required to obtain
22 that certification?

23 A. First, there is a minimum requirement of
24 a graduate degree in area that is considered
25 appropriate for this type of certification, that

1 R. Wexler - Confidential

2 could be counseling, vocational rehabilitation,
3 certain social service degrees, et cetera -- so
4 that's one.

5 The other one is a minimum before you
6 can even be asked to sit for an examination, you
7 must demonstrate a minimum of seven years of
8 forensic experience as a vocational evaluator and
9 then you are required to submit an application
10 with evidence of work product that you produced
11 during your forensic experience, which is then
12 reviewed by a minimum of three peers and if you
13 are approved -- if it meets the standards of
14 methodology and work product, et cetera, then you
15 are permitted to sit for an exam that is
16 approximately four hours. And if --

17 Q. What is a -- go ahead.

18 A. And if you pass the exam and all the
19 other steps then you are certified with that
20 credential. To maintain it, you must remain a
21 member of the organization and complete at least
22 42 continuing education units over a period of
23 three years.

24 Q. Have you completed your response?

25 A. Yes.

1 R. Wexler - Confidential

2 Q. What is a vocational evaluator?

3 A. A vocational evaluator is another term
4 for evaluating a person's employment
5 capabilities; performing a transferable skills
6 analysis where appropriate; understanding what,
7 if any, limitations might be encompassed in that
8 evaluation, how it might be accommodated and/or
9 to the degree to which it may limit someone's
10 employment if any. And then to -- the vocational
11 evaluation will usually -- not always -- conduct
12 labor market research to understand what the
13 employment opportunity will be for the occupation
14 or profession that someone would be qualified to
15 pursue and be an active candidate for.

16 Q. Have you ever authored a peer reviewed
17 article?

18 A. No.

19 Q. Have you ever participated in the peer
20 review process?

21 A. No.

22 Q. You've provided us a list of
23 publications in your expert report, correct?

24 A. I have.

25 Q. Does the list of publications you

1 R. Wexler - Confidential

2 provided in your report encompass all of your
3 publications?

4 A. You're talking about the report, not my
5 CV; is that correct?

6 Q. Well, let's start with the report.

7 Does your report list all of your
8 publications?

9 A. It lists the publications that I at
10 least referenced or referred to in some way,
11 shape or form.

12 Q. And does your list of publications in
13 the report include all of the publications that
14 you utilized in preparing your report?

15 A. I believe it does for this report.

16 Q. Does your CV include all of the
17 publications that you have authored?

18 A. Yes.

19 MR. BERMAN: Can we pull up the expert
20 report again -- excuse me -- sorry.

21 Q. Is your list of -- is the list of
22 publications you offered on your CV or in the
23 expert report?

24 A. On my CV, sir.

25 MR. BERMAN: Can we pull the CV back up.

1 R. Wexler - Confidential

2 Q. Let's start with this list -- and then
3 it continues onto the next page, correct?

4 A. Yes, it does.

5 Q. Can you tell me, generally speaking --
6 does this include presentations that you
7 provided?

8 A. Yes.

9 Q. Is there a way to discern which of these
10 items on your CV are presentations versus which
11 ones are publications?

12 A. Let's see. Well, I can do that for you
13 if you wish.

14 Q. What's the easiest way to glean that
15 information?

16 A. If it doesn't say "presenter" or
17 "panelist" then I authored it.

18 Q. So, for example, the first entry says
19 presenter, right?

20 A. It does.

21 Q. That's a presentation rather than
22 publication, correct?

23 A. Yes.

24 Q. And the second entry also says
25 presenter, right?

1 R. Wexler - Confidential

2 A. Yes.

3 Q. And the third says presenter, right?

4 A. Yes.

5 Q. Fourth says what co-presenter, right?

6 A. Yes.

7 Q. And the fifth one says author, right?

8 A. Yes.

9 Q. That's a publication and not a
10 presentation, correct?

11 A. Yes.

12 Q. Can you continue on down the list and
13 let me know if there are any other items on this
14 list that reflect your authorship rather than
15 your presentation.

16 A. Yes, I can. If we move down to -- move
17 to down to "How to determine a diligent job
18 search, the matrimonial strategist, American
19 Legal Media, August 2015."

20 MR. BERMAN: Can you scroll up, Toni.

21 Q. Does that work for you, Ms. Wexler?

22 A. Yes. Do you see the matrimonial
23 strategist up there?

24 A. Yes. I guess we can go to the next
25 page, page four. There's another one, "For

1 R. Wexler - Confidential

2 Issues of Occupational Capacity and Imputed
3 Income -- the sixth bullet that starts with "For
4 Issues of Occupational Capacity."

5 Q. Any others?

6 A. Yes, there's one more, "Reentering the
7 Workforce after Divorce, New York Family Law,
8 American Legal Media" a full bullets down.

9 And the last one is would really be
10 "Vocational Experts Help Decide Parties' Ability
11 to Work, New York Law Journal, in 2008."

12 Q. What about the one below that?

13 A. Yes, that too. It's a smaller
14 publication but that as well.

15 MR. BERMAN: Toni, if you can scroll
16 back up one page.

17 Q. Turning to the first of those works of
18 authorship, Accessing Employment Capability and
19 Earning Capacity in Family Law Matters," can you
20 tell me what general subject matter of that work
21 is?

22 A. Sure. It's very similar to what I do in
23 any case; employment, personal injury or family
24 law. And that is using our professional
25 methodology to understand how to assess the

1 R. Wexler - Confidential

2 employment capability or employability of an
3 individual and their earning capacity in the
4 world of work primarily by having some
5 opportunity to meet with them where it's
6 possible, referencing other documents that might
7 be provided from that litigation -- it's
8 generally litigation and conducting labor market
9 research and, of course, the employment
10 capabilities would include a transferable skills
11 analysis.

12 Often times in family law, an individual
13 may have been out of work for substantial period
14 of time, perhaps as a primary caregiver for the
15 family, managing other kinds of matters that are
16 related to the family.

17 Q. What about the second work of authorship
18 on the page, "How to Determine a Diligent Job
19 Search"?

20 A. Can you tell me which one that is.

21 Q. It's the second to last bullet point on
22 the page we're looking at.

23 A. "How to Determine a Diligent Job
24 Search," yes, that was with matrimonial
25 strategist, which is -- it was a publication with

1 R. Wexler - Confidential

2 American Legal Media and that entailed what are
3 the steps that we would look for someone to
4 perform the activities, the range of activities,
5 the quantity and quality of their activity in
6 following a job search plan to execute a diligent
7 job search.

8 MR. BERMAN: If you can scroll down,
9 Toni, to the next page.

10 Q. Do you see the one that says, "For
11 Issues of Occupational Capacity and Imputed
12 income"?

13 A. I forgot to mention that one. Yes,
14 that's the one I authored, yes. I was looking
15 for that.

16 Q. What's the general subject matter of
17 that one?

18 A. It's another way of saying the kind of
19 work that I generally do, which is assessing
20 employment capability and earning capacity, which
21 is also tied to labor market research,
22 understanding the transferable skills analysis
23 and how it applies in that particular matter, et
24 cetera.

25 Q. Okay. What about the next work of

1 R. Wexler - Confidential

2 authorship, "Reentering the Workforce after
3 Divorce"?

4 A. Yes, with New York Family Law, American
5 Legal Media. That has a somewhat slightly
6 different approach. It was talking about how
7 individuals may have had a sustained absence from
8 the workforce, what steps they may need to take
9 to get back into it.

10 Generally speaking, I usually recommend
11 that anyone who has been out for any significant
12 period of time -- especially out of the workforce
13 and very underemployed -- seeking services of a
14 professional career advisor or job search coach
15 as things usually have changed about looking for
16 work during that time.

17 And it also is a discussion of some of
18 the abilities a person can utilize and some of
19 the challenges they may need to make to reenter
20 the workforce and achieve their earning capacity.

21 Q. Is it correct to understand that people
22 who have been out of the workforce for an
23 extended period of time face additional
24 challenges seeking employment?

25 MS. PRIMAVERA: Objection.

1 R. Wexler - Confidential

2 A. It depends on the amount of time. The
3 longer, the more challenging.

4 In this case, I've often worked with
5 people who have been out for over 20 years,
6 15 years, et cetera and that presents a different
7 set of challenges.

8 Q. Do I correctly understand that people
9 who have been out of work for 15 years or more
10 face additional challenges seeking employment?

11 A. Seeking employment that can be
12 self-sustaining or meet their earning capacity or
13 how to achieve that. Yes, there would be more
14 challenges involved.

15 Q. What about the subject matter of the
16 next item on the list, "Vocational Experts Help
17 Decide Parties' Ability to Work"?

18 A. That's pretty much the same thing.
19 Generally, I got my start in family law so many
20 of these articles were directed to that. I added
21 employment litigation after six or seven -- six
22 years.

23 In any case, at this time there's always
24 a question, particularly in marital dissolution
25 about who is capable of earning what, when and

1 R. Wexler - Confidential

2 how and understanding what brings them to the
3 situation they're in today.

4 Q. Okay. So the title of that work where
5 it references, "the parties ability to work," is
6 that referencing the parties in matrimonial
7 matters?

8 A. Generally -- generally speaking. But
9 it's rather generic as well. It just so happens
10 that it ties to matrimonial matter in that
11 article.

12 Q. The next work on this list, "Using
13 Vocational Experts in Matrimonial Cases to
14 Determine Earnings Capacity."

15 What's the general subject matter of that
16 work?

17 A. Pretty much what I've self-described,
18 use different titles as away to promote a topic
19 and to educate as much as possible.

20 Q. Have you completed your answer?

21 A. For the most part these articles are
22 also advisory in terms of how an expert may be
23 helpful to break through some of the obstacles
24 and help move a case to settlement.

25 Q. Is it fair to say that the intended

1 R. Wexler - Confidential

2 audience of these works is attorneys?

3 MS. PRIMAVERA: Objection.

4 A. Yes. Primarily attorneys, although I've
5 seen clients reference these as well -- their
6 clients.

7 Q. Who are you saying you seen reference
8 these, clients of who?

9 A. The attorney's clients who might be
10 using my services -- some of them have read these
11 articles as well.

12 Q. Other than those works of authorship,
13 which we have just been through, the remainder of
14 these items are presentations, correct?

15 A. Yes.

16 Q. Are they primarily CLEs presentations?

17 A. Yes.

18 Q. What are CLEs?

19 A. Continuing legal education.

20 Q. Is that provided for the benefit of
21 attorneys?

22 A. Yes.

23 Q. Those CLE credits, are those the same
24 kind of CLE credits that attorneys require for
25 state licensing?

1 R. Wexler - Confidential

2 A. Yes.

3 Q. Are there any presentations on here that
4 are not presented primarily for an audience of
5 attorneys?

6 A. There are a few.

7 Q. Which ones are those?

8 A. Well, the bottom one, "Learning to
9 Market Yourself: Resume and Job Search Strategy
10 Workshop." That's a more generic audience and
11 primarily to sales and marketing professionals.
12 Let's see --

13 MR. BERMAN: I would like the court
14 reporter to scroll if it will be helpful to
15 your answer. I want to make sure --

16 A. There was one about -- that said "You're
17 hired, you got the interview." If you go to page
18 four, the second bullet. "You've Got the
19 Interview - Now to Win that Job Offer."

20 I've done some pro bono presentations to
21 women frequently those who come from more
22 challenging backgrounds and are looking to get
23 back into the workforce and so I've conducted
24 some presentations with them over a period of
25 time. These are two.

1 R. Wexler - Confidential

2 Q. Are there any others?

3 A. Let's go further up. I think that's
4 pretty much it. The rest of them are for a
5 professional audience.

6 Q. When you say "professional audience,"
7 what do you mean?

8 A. I mean primarily attorneys, business
9 valuation specialists, those who work in any
10 field where my work might overlap or we would
11 work as different experts on a particular matter.

12 MR. BERMAN: You can put the CV away for
13 now, please, Toni.

14 Q. Is this --

15 MR. BERMAN: Withdrawn.

16 Q. You testified earlier today you're
17 offering two opinions that have subcomponents,
18 correct?

19 A. That have what?

20 Q. Subcomponents.

21 A. Yes.

22 Q. Is that a fair characterization of your
23 testimony?

24 A. I believe so.

25 Q. Is one of those opinions that Ms.

1 R. Wexler - Confidential

2 Fischman failed to perform a reasonably diligent
3 job search after her termination on January 30,
4 2017?

5 MS. PRIMAVERA: Objection.

6 A. Yes.

7 Q. Is that a fair characterization of your
8 opinion?

9 A. Yes.

10 Q. Is that opinion based upon a review of
11 Ms. Fischman's education?

12 A. Yes.

13 Q. Is it based on review of her experience?

14 A. Yes.

15 Q. Her skills?

16 A. Yes, as described in her resume.

17 Q. Her knowledge?

18 A. Yes.

19 Q. Her employment history?

20 A. Yes.

21 Q. Local labor market research?

22 A. Yes.

23 Q. Documents pertaining to her job search
24 activity?

25 A. Yes.

1 R. Wexler - Confidential

2 Q. And your experience recruiting and
3 evaluates candidate qualifications while
4 considering the available data regarding
5 potential job opportunities available in Ms.
6 Fischman's field from 2017 to present?

7 A. Yes.

8 Q. Is it based on anything beyond those
9 things I've identified?

10 A. I believe that's everything I
11 considered.

12 Q. Okay. Was your review of Ms. Fischman's
13 education based upon her resume?

14 A. Yes.

15 Q. Was it based on anything else?

16 A. No.

17 Q. Was your review of Ms. Fischman's
18 experience based on her resume?

19 A. Her resume, her LinkedIn profile, yes.

20 Q. Was it based on anything else?

21 A. No.

22 Q. Was your review of Ms. Fischman's skills
23 based upon her resume?

24 A. Yes.

25 Q. Was it based on anything else?

1 R. Wexler - Confidential

2 A. Strictly the written documentation that
3 I had regarding her abilities and knowledge and
4 skills.

5 Q. Was your review of her knowledge based
6 upon her resume?

7 A. Yes.

8 Q. Was it based on anything else?

9 A. No.

10 Q. Was your review for employment history
11 based on her resume?

12 A. Yes.

13 Q. Was it based on anything else?

14 A. Not that I can recall.

15 Q. Do you have any experience as a
16 recruiter?

17 A. As a recruiter, yes.

18 Q. Generally speaking, what's the nature of
19 your recruiter experience?

20 A. I have experience as a managing partner
21 with a firm -- which is on my CV -- Ariel
22 Associates in Manhattan. I was involved in that
23 for approximately eight years with my partner.
24 Our specialty was in media and publishing -- all
25 kinds of different publishing -- and with a

1 R. Wexler - Confidential

2 specialization in business-to-business
3 publishing.

4 Q. Have you completed your response?

5 A. And that we placed people at times at
6 midlevel up through the C suite -- chief
7 executive suite.

8 Q. Do you have any experience recruiting
9 attorneys?

10 A. Not directly.

11 Q. When you say "not directly," what does
12 that mean?

13 A. That the firm I was with -- the second
14 firm I was with, which was Steven Bradford and
15 Associates was also part of Howard Sloan and
16 Howard Sloan had a substantial practice in legal
17 recruiting.

18 Q. Did you perform any work with respect to
19 the legal recruiting aspect of that business?

20 A. No, I did not.

21 Q. Have you got any experience placing
22 attorneys in jobs?

23 A. No.

24 Q. Have you got any experience working with
25 other recruiters who placed attorneys in jobs?

1 R. Wexler - Confidential

2 A. Yes.

3 Q. Which ones?

4 A. Which ones -- which -- I'm sorry, I

5 didn't quite understand the question.

6 Q. Which recruiters who placed attorneys in
7 jobs have you worked with?

8 A. Well, I didn't work with them directly.

9 But a number of those recruiters were with Howard
10 Sloan. And on occasion I have spoken with them
11 as well when I'm doing labor market research.

12 But not directly working with them so that I was
13 placing -- making legal placements.

14 Q. I want to be very clear here.

15 Do you have any experience facilitating the
16 placement of an attorney into a job?

17 A. No, I not.

18 MS. PRIMAVERA: Objection.

19 Q. Do you have any legal experience of your
20 own?

21 A. No.

22 Q. Do you have any training in any legal
23 field of experience?

24 A. I have no legal training.

25 Q. In your expert report, page 13 -- so

1 R. Wexler - Confidential

2 we're looking at a portion of the report that's
3 under Section V, which is your analysis of
4 employability.

5 A. Yes.

6 Q. The top of this page there's a statement
7 here that says the following, "At the time she
8 became unemployed on January 30, 2017, Ms.
9 Fischman had demonstrated markedly significant
10 transferable skills that positioned her as a
11 competitive candidate for positions as a chief
12 legal officer/counsel, lead corporate or general
13 corporate counsel."

14 Do you see that statement?

15 A. I do.

16 Q. What is the basis for the statement here
17 that Ms. Fischman had demonstrated markedly
18 significant transferable skills?

19 A. I'm sorry, what is your question?

20 Q. In your report you say Ms. Fischman had
21 demonstrated markedly significant transferable
22 skills, do you see that?

23 A. I do.

24 Q. What is the factual foundation
25 underlying the conclusion that she demonstrated

1 R. Wexler - Confidential

2 markedly significant transferable skills?

3 A. Well, she had extensive experience as
4 general counsel working with Raytheon for quite a
5 few years, as well as Mitsubishi, and prior to
6 that with at least two major law firms. During
7 which time she had experience in all kinds of
8 legal functions -- you know, law matters,
9 everything from intellectual property, to mergers
10 and acquisitions and/or employment contracts and
11 many other types of matters that a corporate
12 lawyer would be involved in. And these were
13 described before in my report as well.

14 Q. Have you completed your response?

15 A. Yes.

16 Q. The statement that you just made are
17 based upon Ms. Fischman's resume?

18 A. Correct.

19 Q. Are they based upon anything else?

20 A. Other than looking at her LinkedIn
21 profile as well as her resume and that's --
22 that's the primary basis for this.

23 Q. Do you have to be an expert to review a
24 LinkedIn profile?

25 MS. PRIMAVERA: Objection.

1 R. Wexler - Confidential

2 A. You don't have to be an expert but it's
3 useful to compare the to.

4 Q. To compare the two what?

5 A. Her resume and what she describes on her
6 LinkedIn profile.

7 Q. Do you have to be an expert to review
8 her resume?

9 MS. PRIMAVERA: Objection.

10 A. You don't have to be an expert to review
11 the resume.

12 Q. Do you have to be an expert to determine
13 that her resume demonstrated markedly significant
14 transferable skills?

15 A. I believe that as an expert my job is to
16 evaluate what is on that resume and understand
17 what those transferable skills are and to the
18 degree to which demonstrate her ability to use
19 them.

20 Q. When you use the word "transferable
21 skills" or the phrase "transferable skills," what
22 does that term mean to you?

23 A. In our professional parlance,
24 transferable skills means these are skills that
25 are used in one job or a series of jobs or in

1 R. Wexler - Confidential

2 employment history that gives you knowledge and
3 capability to execute similar tasks, executive
4 functioning and problem solving in the same,
5 somewhat different or very different roles.

6 In other words, can those skills be
7 transferred or applied to other job functions.

8 Q. Do you have any qualifications that
9 allow you to evaluate job functions?

10 A. Well, the certification I have as a
11 diplomate indicates that I understand how to do
12 that. And I have training in that as well.

13 Q. Do you have any training in the field of
14 industrial organizational psychology?

15 A. No.

16 Q. Are you familiar with the concept of a
17 job analysis?

18 A. Yes.

19 Q. Have you performed any job analyses in
20 connection with your work in this matter?

21 A. In a formal job analysis, no. I
22 understand how to parse out skills, you know,
23 that are before me and how to compare those.

24 Q. Have you completed your response?

25 A. And compare those to any published

1 R. Wexler - Confidential

2 information about job descriptions, job analyses,
3 et cetera.

4 Q. Have you completed your response?

5 A. I have.

6 Q. Are you familiar with concept of a
7 similarity index?

8 A. I've heard of it. I haven't necessarily
9 applied it. It could be a term that is
10 comparable to what I do but I just don't use that
11 term.

12 Q. Have you used any mathematical formulas
13 to compare the similarity of any of Ms.
14 Fischman's former jobs to any other jobs
15 available in the labor market?

16 A. No, mathematical statistical analysis,
17 no.

18 Q. Have you reviewed any published
19 information about the job analyses concerning
20 positions available to Ms. Fischman in the local
21 labor market?

22 A. Have I reviewed any vocations or
23 research did you say?

24 Q. No. I said published -- have you
25 reviewed any published information about job

1 R. Wexler - Confidential

2 analyses pertaining to jobs in the local labor
3 market to which Ms. Fischman could have
4 potentially have applied?

5 A. I haven't looked at specific job
6 analyses per se.

7 Q. In any where in your report have you
8 conducted an expert analysis comparing the
9 similarity of Ms. Fischman's prior jobs -- and
10 when I say "prior jobs" I mean prior to her
11 termination from Mitsubishi -- have you've done
12 any scientific or expert analysis comparing Ms.
13 Fischman's prior jobs to any of the available
14 jobs in the local labor market?

15 MS. PRIMAVERA: Objection. Several
16 questions in one.

17 Q. Do you understand the question?

18 A. Yes.

19 Q. You can answer.

20 A. The analyses I perform are methodical
21 and clearly stated. However, I would not say
22 that they are a scientific analysis because I'm
23 not sure how you're using the term "scientific".

24 Q. Thank you for your response. Have you
25 completed it?

1 R. Wexler - Confidential

2 A. Yes.

3 Q. I'm actually asking you something
4 different.

5 A. Okay.

6 Q. What I'm asking you is whether you
7 conducted any methodological comparison of the
8 jobs that Ms. Fischman held at Mitsubishi to the
9 jobs that were in the local labor market?

10 A. Yes, I looked at the jobs that were in
11 the local labor market that were available and
12 described from Forensic JobStats and compared
13 those -- at least a good sampling of them -- to
14 what was -- to her job history -- to her
15 employment history and the functions that she had
16 performed.

17 Q. So then with respect to each job listing
18 from Forensic JobStats, did you compare the
19 similarity of Ms. Fischman's prior jobs at
20 Mitsubishi to that particular entry?

21 A. I'm not sure I compared every single one
22 of those jobs but certainly a good representation
23 and I looked for keywords as well because
24 Forensic JobStats does issue a listing of
25 keywords that we can also reference in the job

1 R. Wexler - Confidential

2 description.

3 Q. Okay. You referred to the term "a
4 sample," what was the sample that you referred
5 to?

6 A. Let's see. I would say that I went
7 through a good portion of the jobs but some seem
8 to be very similar so I might not have spent as
9 much time with one job as I did with another,
10 particularly if I wasn't sure if it was a good
11 fit or good enough fit to at least get her to
12 apply and be invited for an interview.

13 Q. Have you completed your response?

14 A. I have.

15 Q. How can we determine from reviewing your
16 report which jobs you included in your sample and
17 which jobs you did not include in your sample?

18 A. There's no way to do that.

19 Q. How can we determine from your report
20 how to replicate the work that you performed?

21 A. I'm not sure how we would do that. I
22 would have to review my -- you know, what I
23 looked through and how it did -- I'm not sure you
24 would replicate it.

25 Q. Do you consider Mr. Staller and expert

1 R. Wexler - Confidential

2 in your field?

3 MS. PRIMAVERA: Objection.

4 A. Mr. Staller and I have some overlap in
5 our field but we also have some differences.

6 Q. Is the use of the Forensic JobStats'
7 database an area of overlap between you and Mr.
8 Staller?

9 A. Yes, I would say at this time it is.

10 Q. If I provided a copy of your expert
11 report to Mr. Staller, would he be able to
12 replicate your analysis of the Forensic JobStats'
13 database?

14 MS. PRIMAVERA: Objection.

15 A. I don't know. I do know our numbers are
16 very similar. I know that we each went through
17 that process. I can't say that he has -- he
18 would be able to say, oh, yes she reviewed that
19 job, that, that job, and job.

20 Q. If I provided your expert to any other
21 expert with an understanding at an expert level
22 of the Forensic JobStats' database, would such an
23 expert be able to replicate your work?

24 MS. PRIMAVERA: Objection.

25 A. I believe that if they were to refer to

1 R. Wexler - Confidential

2 the reports that Forensic JobStats produced, they
3 would be able to do so.

4 Q. You haven't provided those reports to
5 us, have you?

6 MS. PRIMAVERA: Objection.

7 A. I did not provide them, no.

8 Q. So based upon what you provided, is
9 there any way for me to double check your work?

10 MS. PRIMAVERA: Objection.

11 A. Only if you have the Forensic JobStats
12 for Mr. Staller.

13 Q. Further down that paragraph you make
14 another statement says, quote, "In my
15 professional opinion and experience, considering
16 her two decades of in-depth transferable skills
17 and knowledge in complex corporate transactions
18 and her age, had she engaged in a reasonable and
19 diligent job search, she was a competitive job
20 applicant for numerous comparable level positions
21 to those she held at Mitsubishi Chemical
22 Holdings."

23 Do you see that statement?

24 A. I do.

25 Q. When you refer to comparable level

1 R. Wexler - Confidential

2 positions in that statement, to what are you
3 referring?

4 A. I am referring to different levels of
5 general counsel, associate general counsel,
6 corporate counsel. It could be internal counsel,
7 it could be counsel with a law firm -- another
8 law firm -- an outside firm.

9 Q. Okay. Do you have any independent
10 knowledge of knowing which candidates are
11 considered competitive for the positions you just
12 described?

13 A. I rely on my knowledge of somebody's
14 capabilities and what they demonstrated in their
15 history and therefore how they would be
16 positioned to be a competitive candidate.

17 Q. How are you situated to know who are
18 going to be competitive candidates for different
19 legal positions in the legal market?

20 A. Well, part of it is my experience in
21 doing this for quite some time and evaluating
22 numerous attorneys and their roles, especially
23 when become unemployed or they're starting to
24 continue to look for employment.

25 I also will communicate with certain

1 R. Wexler - Confidential

2 recruiters that I know and ask their thoughts on
3 that as well.

4 Q. Okay. So you have no independent
5 knowledge of your own concerning which candidates
6 are competitive for particular legal positions,
7 do you?

8 MS. PRIMAVERA: Objection.

9 Q. You can answer.

10 A. I think I do.

11 Q. What is the basis for your independent
12 knowledge of who is considered a competitive
13 legal candidate for a particular legal job?

14 A. Understanding what -- because of the
15 work I've done in consulting with other legal
16 recruiters and how having a good sense of what
17 positions somebody to be a good candidate.

18 Q. So you're relying upon your own
19 experience, correct?

20 A. My own experience and my consultation
21 with other legal professionals.

22 Q. Are you relying upon anything else other
23 than your own experience and consultation with
24 other legal professionals?

25 A. No, that is what I'm relying upon.

1 R. Wexler - Confidential

2 Q. What professional consultations did you
3 make with other legal professionals in the
4 preparation of this expert report?

5 A. I consulted with a number of legal
6 recruiters -- about two or three -- about the
7 condition of the marketplace, how someone's
8 experience like this might position that
9 individual to seek work as inside counsel or
10 outside counsel.

11 Q. Where are those consultations reflected
12 in your expert report?

13 A. They're not reflected in my expert
14 report, they're just layers of experience that
15 I've acquired over the years.

16 Q. I asked you whether this report --
17 earlier today I asked you whether this report
18 contains all the information you relied upon in
19 preparation of your testimony today --

20 A. Yes.

21 Q. -- do you remember that?

22 A. Yes.

23 Q. You didn't reference reliance upon
24 professional consultations previously, did you?

25 MS. PRIMAVERA: Objection.

1 R. Wexler - Confidential

2 A. No.

3 Q. Is there anything that you relied upon
4 in providing your expert opinions in this matter
5 that is not contained in this expert report?

6 A. No.

7 Q. Which professionals did you consult,
8 that you just described, in preparation of
9 your -- or in formulation of your expert opinion
10 in this matter, who are they?

11 A. Let's see. One would be Michael Lord or
12 Andrew Berman. Those would be two that I
13 referred to before.

14 It really is for me to get a lay of the
15 land, understand the competitive marketplace and
16 if these skills are in demand.

17 Q. Who is Michael Lord?

18 A. He's an executive recruiter -- executive
19 legal recruiter.

20 Q. What entity is he affiliated with?

21 A. It's his own form.

22 Q. What does that firm do?

23 A. They place partners and some GCs --
24 general counsel and associates -- it depends,
25 it's a range.

1 R. Wexler - Confidential

2 Q. When is the last time you spoke with
3 Michael Lord?

4 A. I spoke with him on another matter about
5 four weeks ago perhaps.

6 Q. Did you consult with Michael Lord in
7 connection with this matter?

8 A. I don't believe so.

9 Q. Who is Andrew Berman?

10 A. He's his partner.

11 Q. When is last time do you consulted with
12 Andrew Berman?

13 A. About five weeks ago --

14 Q. Did you consult --

15 A. -- maybe six. I did not consult with
16 him on this matter, no.

17 Q. Did you consult with anyone else in
18 connection with this matter?

19 A. No.

20 Q. Are you relying upon any information
21 provided to you by anyone else in connection with
22 this matter?

23 A. Other than the general knowledge I've
24 acquired about legal recruiting from other
25 matters, no, I have not consulted with anyone

1 R. Wexler - Confidential

2 else.

3 Q. Do you have any firsthand experience
4 with legal recruiting whatsoever?

5 A. No, I don't.

6 Q. Turning now to page 14 of your report,
7 I'll direct your attention to the second
8 paragraph on this page under heading A,
9 "Expectation and Accepted Standards of a Diligent
10 Job Search."

11 Do you see the second paragraph here?

12 A. I do.

13 Q. I'll direct your attention to the first
14 full sentence of this paragraph which reads as
15 follows, quote, "The elements of a reasonable job
16 search have been a regular subject of numerous
17 articles published in print and online
18 publications, including those identified in
19 Appendix B, such as The Wall Street Journal, The
20 New York Times, Forbes.com, Forbes and Money and
21 US News and World Report as well as many other
22 easily accessible job posting sites."

23 Do you see that sentence?

24 A. I do.

25 Q. Are any of the elements of a reasonable

1 R. Wexler - Confidential

2 job search described and academic research cited
3 within your expert report?

4 A. Yes, actually there are a number of
5 citations.

6 Q. Where can I find those?

7 A. It might be quicker -- I have a printed
8 copy. If I have your permission to look at it,
9 it might be quicker to do that but I want to make
10 sure it's okay with you.

11 Q. As long as you're referring to the same
12 expert report, the same version, then I'm fine.

13 A. It is exactly same the version.

14 On page 17 of this report I also
15 reference what the standards are, and that would
16 be under D, "Minimal Applications Over Three
17 Years," the third paragraph down, "Thus, Ms.
18 Fischman engaged in 1.18 applications per week
19 from January 2017 through September 2018."

20 And then if we follow that down,
21 starting with the sentence "A sustained,
22 full-time job search, over a multiyear period,
23 may be difficult to maintain during an extended
24 period of unemployment. It is understood that
25 job seekers often reduce their search intensity

1 R. Wexler - Confidential

2 over time, but then increase their search efforts
3 again if remain unemployed." And you see a
4 reference to Wanberg, Zhu, Kanfer & Zhand, Oxford
5 Handbook, page 269, which is also referenced on
6 the prior page, on page 16, although the footnote
7 carried over.

8 In any case, this is a very
9 well-regarded handbook of heavily researched
10 articles examining job search, re-employment and
11 how the level of activity is tied to success.

12 Q. Have you completed your response?

13 A. I have.

14 Q. Respectfully, I don't think you answered
15 the question I asked.

16 MR. BERMAN: I'll ask the court reporter
17 to read it back.

18 (Whereupon, requested portion of
19 testimony read back.)

20 Q. Where can I find a list of the sources
21 that identify, "The elements of a reasonable job
22 search"?

23 A. Let me make sure I understand the
24 question. The question is where you can find the
25 citations of a reasonable diligent job search?

1 R. Wexler - Confidential

2 On page 17 just below minimal applications over
3 three years, it starts with the sentence, "As
4 noted previously, when unemployed, the minimum
5 expectation for a diligent job search is two to
6 six hours of active job search activities per
7 day, cited footnote 26, Wanberg, Zhu and Van
8 Hooft."

9 Q. Have you completed your response?

10 A. I have.

11 Q. Does Wanberg, Zhu and Van Hooft use the
12 quoted term, "diligent job search"?

13 A. They -- I'm not sure if they use the
14 term "diligent" -- I would have to double check.
15 But, obviously, they -- the term "the minimum
16 expectation for a job search is."

17 Q. Okay. Does that citation Wanberg, Zhu
18 and Van Hooft use the phrase "reasonable job
19 search"?

20 A. Yes, it does. "A reasonably diligent
21 and motivated job seeker will approach obtaining
22 new employment as their full-time job and will
23 pursue multiple employment opportunities in
24 parallel throughout their job search. A diligent
25 job search effort to get hired is time consuming

1 R. Wexler - Confidential

2 and time intensive." This is footnote 27 and
3 it's the same -- it's Wanberg, Zhu, Kanfer and
4 Zhand from the Oxford Handbook, page 269.

5 Q. Are you replying upon any other source
6 for your opinion as to what constitutes a
7 reasonably diligent job search?

8 MS. PRIMAVERA: Objection.

9 A. Yes.

10 Q. Where can I --

11 A. I am also looking at on page 16, the
12 second full paragraph that states, "Job findings
13 success is also closely associated with the
14 quantity of interviews achieved during the job
15 search." And that also that is an opinion stated
16 by Saks and Ashforth in the 2000 Oxford Handbook
17 of job loss and job search, page 268.

18 Q. Are you familiar with the legal standard
19 applicable to a plaintiff in a wrongful
20 termination case who is charged with the duty to
21 mitigate their damages?

22 MS. PRIMAVERA: Objection.

23 A. I am familiar with it, yes.

24 Q. Do you know whether that legal standard
25 is the same standard that you're looking to in

1 R. Wexler - Confidential

2 the academic sources that you cited in your
3 report?

4 MS. PRIMAVERA: Objection.

5 A. I believe it is somewhat less but I'm --
6 my job is to assess what I believe is a true
7 diligent job search.

8 Q. Is it fair to say that your assessment
9 differs from the legal standard?

10 MS. PRIMAVERA: Objection.

11 A. It may.

12 Q. It may differ?

13 A. Yes.

14 Q. Now, what methodology did you use to
15 reach your first opinion in your expert report?

16 A. Which opinion are you referring, sir?

17 Q. Which one do you consider your first
18 opinion?

19 A. My first opinion in my summary of
20 opinions on page five is, "It is my opinion, to a
21 reasonable degree of professional certainty, that
22 Ms. Fischman failed to perform a reasonably
23 diligent job search after she was terminated from
24 Mitsubishi Chemical Holdings America on January
25 30, 2017."

1 R. Wexler - Confidential

2 Q. What methodology did you use to reach
3 that opinion?

4 A. The methodology I used was the analysis
5 of work history, the skills and analysis she
6 acquired -- which I already mentioned -- as well
7 as my extensive experience in recruiting
8 evaluated candidate's qualifications and advising
9 them on the steps acquired to be successful in
10 their job search.

11 I also considered the available data
12 about the labor market to compare to the efforts
13 to made by Ms. Fischman.

14 Q. Do you see under subsection three on
15 page five of your report where it says,
16 "Evaluation Methodology"?

17 A. Yes.

18 Q. That's what I'm asking about. What
19 methodology did you use?

20 A. Well, obviously, as number one states, I
21 reviewed the records and documentation that was
22 provided to me in connection with the litigation.

23 Also, to identify Ms. Fischman's
24 proficiency and skills based on those documents,
25 which, as we discussed, were relied heavily on

1 R. Wexler - Confidential

2 her resume, to a more limited degree her LinkedIn
3 profile and how she described the work that she
4 did. And, therefore, how she positions herself
5 in her resume as a potential applicant for a job.

6 Q. Have you completed your response?

7 A. Yes. And after that analysis -- so I'm
8 not done -- after that analysis, that included,
9 as I mentioned before, the labor market research
10 and reviewing her documents and quantifying and
11 assessing her efforts in the job search.

12 Q. Have you completed your response?

13 A. I have, sir.

14 Q. Okay. Have the -- the methodology that
15 you just described to me, is that the same as
16 what's listed in the report under Section III?

17 A. Yes.

18 Q. Is that part of the vocational and
19 rehabilitation assessment model?

20 A. Yes.

21 Q. So are you listing for me the steps of
22 the vocational and rehabilitation assessment
23 model, which you incorporated into your analysis?

24 A. Yes.

25 Q. Are you familiar with the underlying

1 R. Wexler - Confidential

2 vocational and rehabilitation assessment model?

3 A. I am, yes.

4 Q. Can you tell me how many steps are
5 contained within that model?

6 A. Oh, gosh, there are quite a few steps.
7 I summarized these. But it's reviewing all the
8 documents, it's conducting -- it's assessing the
9 job skills required to perform different tasks in
10 a particular occupation and -- including
11 executive functioning; communication;
12 self-organization; leadership, where there is
13 necessary communication skills, able to analyze
14 information, assess it, utilize it to conduct
15 their work problem solving; advising others;
16 listening skills. It's pretty detailed. I
17 thought for the purposes of this report some of
18 this was, shall we say, more obvious and I didn't
19 need to list all of that in quite that amount of
20 detail.

21 Q. Have you completed your response?

22 A. Only to add that the summary of her
23 experience in each of her jobs also included the
24 skills that -- the task she performed and the
25 skills that she would need to perform those, were

1 R. Wexler - Confidential

2 also indicated later on.

3 Q. Have you now completed your response?

4 A. Yes.

5 Q. Your expert report cites the vocational
6 and rehabilitation assessment model in footnote
7 three, doesn't it?

8 A. It does.

9 Q. In your cite to that model, your report
10 states, "I used standardized systemic vocational
11 evaluation methodology to produce valid and
12 reliable data and findings," correct?

13 A. Yes.

14 Q. So is the vocational and rehabilitation
15 assessment model standardized?

16 MS. PRIMAVERA: Objection.

17 A. There are different models. However,
18 there are those that are standardize,
19 particularly vocational rehabilitation, that's
20 where the model began and some of the steps in
21 that model are not necessarily useful when
22 someone is not recovering from an injury or post
23 -- pre-post accident or illness that would have
24 impacted their ability to continue the work they
25 performed or to be reintroduced to the labor

1 R. Wexler - Confidential

2 market.

3 Q. Have you completed your response?

4 A. Yes.

5 Q. So I just want to clarify your answer.

6 Are you citing in footnote three multiple models
7 or one model?

8 A. There's generally one basic model.

9 MS. PRIMAVERA: I'm just going to
10 interject really quick. If you need a
11 break, it's been over an hour and a half,
12 please feel free to take as long as you
13 need, five minutes, ten minute. If you're
14 good though, we can continue.

15 MR. BERMAN: Why don't we take a break
16 at 12:00 -- it's a few minutes away.

17 THE WITNESS: Sure.

18 MR. BERMAN: Just to repeat, any time
19 anyone wants a break, just say so, that's
20 not a problem.

21 THE WITNESS: Okay.

22 Q. Do you know how many steps there are in
23 the vocational and rehabilitation assessment
24 model?

25 A. I'm not quite certain. I think it could

1 R. Wexler - Confidential

2 be as much as 14 or 15 steps if it's really
3 detailed out.

4 Q. Okay. How many steps of that model did
5 you apply in your expert report?

6 A. There's the job analysis, there's the
7 skills assessment and they're looking at her
8 skills and understanding what level of capability
9 she had and what was required in the various
10 jobs. I would say it's probably somewhere close
11 to seven or eight.

12 Q. Correct me if I'm mistaken but doesn't
13 your expert report list five steps?

14 A. Yes, they're summarized. You know, I
15 don't generally list every single small piece
16 that goes into it.

17 Q. Well, of the 14 steps in the vocational
18 and rehabilitation assessment model, how many did
19 you use?

20 A. I also want to add that I'm not sure if
21 it's 14 steps because they go through all these
22 different types of minor steps that are -- you
23 know, if use a computer program, for example,
24 it's going to give you more steps. But I
25 estimate that I used a minimum of six to eight --

1 R. Wexler - Confidential

2 at least eight.

3 Q. Have completed your response?

4 A. Yes.

5 Q. So I see five items enumerated on here.

6 Do any of these five items incapsulate more than
7 one step?

8 A. Of course, if I'm conducting an
9 employability analysis to include labor market
10 research, I could certainly break those down into
11 numerous steps, including where the jobs are,
12 what exactly the titles and responsibilities are,
13 are they able to be read and how to match them up
14 with her experience.

15 I could certainly break that down to
16 various steps but to me, with all of the years
17 I've been doing this, it's rather -- I know what
18 methodology I need to follow and the different
19 steps and I believe the summary was sufficient.

20 Q. Have you completed your response?

21 A. I have.

22 Q. Respectfully, again, that's not the
23 question I asked you.

24 What I'm asking you is about a comparison
25 between the work that you performed and the work

1 R. Wexler - Confidential

2 you cite as the vocational and rehabilitation
3 assessment model.

4 So as you testified, the vocational and
5 rehabilitation assessment model contains multiple
6 steps; your evaluation methodology also contains
7 multiple steps but you identified five elements
8 of your methodology.

9 And my understanding of your testimony is
10 that the model you're citing has more than five
11 steps.

12 You indicated that although you got five
13 items here, that you may have conducted more than
14 five steps of the vocational and rehabilitation
15 assessment model.

16 So all of that is background to ask you
17 whether any of these items that you've enumerated
18 constitute multiple elements of the vocational
19 and rehabilitation assessment model, is that
20 clear?

21 A. Yes. I believe they do and some of the
22 elements in the vocational assessment model have
23 to do with additional steps about the -- how
24 should I put it -- the different physical and
25 mental capabilities for each of the tasks

1 R. Wexler - Confidential

2 performed. When I'm working with someone on
3 professional level, such as an attorney, those
4 are much less helpful and not necessary because
5 this is not a rehabilitation employability
6 assessment.

7 Q. Have you completed your response?

8 A. I have.

9 Q. My question was not how many steps are
10 necessary.

11 I'm just asking how many steps you performed.
12 You have five sentences listed here under "the
13 steps followed included," do you see that?

14 A. I do.

15 Q. And you indicated that the five elements
16 that you've enumerated may correspond to more
17 than five steps in the vocational and
18 rehabilitation assessment model; do I have that
19 correct?

20 A. Yes, you do.

21 Q. So which of the steps that you listed
22 here correspond to more than one step in the
23 vocational and rehabilitation assessment model?

24 A. In performing an employability analysis
25 to include labor market research, that includes

1 R. Wexler - Confidential

2 both the areas that I thought were strengths of
3 the individuals and areas that I thought might be
4 a concern. That is that is inherent in number
5 four.

6 Q. Okay. So number four includes more than
7 one step from the vocational and rehabilitation
8 model; did I get that correct?

9 A. Yes.

10 Q. How many steps does that encompass?

11 A. It at least two to three I would think.
12 I don't usually break it down to this degree,
13 Mr. Berman.

14 Q. You did testify in your report -- or you
15 did state in your report you used a standardized
16 systematic vocational evaluation methodology,
17 correct?

18 A. I did.

19 Q. Doesn't that imply that other vocational
20 experts use the same methodology?

21 MS. PRIMAVERA: Objection.

22 A. We do refer to the same methodology but
23 certain steps are not necessary for every single
24 type of case. That's my answer.

25 Q. I'm not asking which steps are

1 R. Wexler - Confidential

2 necessary. I'm just asking you if the model is
3 the same model used by other vocational experts?

4 A. To the best of my knowledge it should
5 be. I can't speak to other experts.

6 Q. But the methodology is used in the same
7 way that you used it here by other experts in
8 your field?

9 MS. PRIMAVERA: Objection. She
10 responded.

11 MR. BERMAN: Her response was unclear so
12 I'm allowed to clarify.

13 Q. Is it correct that you have not followed
14 all of the steps in that model?

15 MS. PRIMAVERA: Objection.

16 A. I applied all of the steps in that model
17 that I deemed appropriate and necessary.

18 Q. So there are steps that you deemed not
19 appropriate and necessary, correct?

20 A. Yes.

21 Q. How many steps did you deem not
22 appropriate or not necessary?

23 A. I can't count them. Some of them just
24 don't apply.

25 Q. Is the utilization of this vocational

1 R. Wexler - Confidential

2 and rehabilitation assessment model an exact
3 science?

4 MS. PRIMAVERA: Objection.

5 A. I don't know of anything that is an
6 exact science, sir. However, it is one that is
7 relied upon and that has produced credible and
8 objective results and therefore has been accepted
9 for over 30 years or more in our profession.

10 Q. Are you familiar with Downing
11 litigation?

12 A. Yes, I am.

13 Q. Did you testify in that matter?

14 A. I did.

15 Q. In that matter did you testify that it's
16 hard to call the analysis of the vocational and
17 rehabilitation assessment model an exact science?

18 A. Yes.

19 Q. Has your opinion changed since your
20 testimony in that matter?

21 A. No, it has not.

22 Q. You testified previously that you
23 consulted with Andrew Berman and Michael Lord,
24 correct?

25 A. Yes, I consulted with them on numerous

1 R. Wexler - Confidential

2 occasions.

3 Q. Do you know whether Ms. Fischman applied
4 for any jobs through Michael Lord?

5 A. I believe she did not.

6 Q. Do you know whether Ms. Fischman applied
7 for any jobs through Michael Berman?

8 A. I don't believe she applied to any jobs
9 with -- other than legal recruiters -- except for
10 Bliss -- at least from the documentation that I
11 had available to me, sir.

12 Q. So your understanding is confined to the
13 documents provided to you that are listed in your
14 expert report, correct?

15 A. Yes, these are the documented provided
16 to me that I used.

17 Q. So you don't know whether Ms. Fischman
18 conducted any job search efforts that are not
19 listed in the documents provided to you, do you?

20 A. No, I have no way of knowing.

21 Q. Were you provided with Ms. Fischman's
22 testimony in this matter?

23 A. I don't believe so.

24 Q. But it's not listed in your report as
25 anything you relied upon, correct?

1 R. Wexler - Confidential

2 A. Right.

3 Q. So does that refresh your recollection
4 as to whether you utilized her testimony in
5 preparing your report?

6 A. No, I -- I honestly can't recall at this
7 time. I have to reference.

8 Q. If you relied upon it, wouldn't it be
9 listed in your report?

10 A. Yes. I don't believe I reviewed the
11 deposition of Ms. Fischman, just the complaint.

12 Q. Do we agree that your report does not
13 encompass any information provided by Ms.
14 Fischman during her testimony?

15 A. Only the information she provided to
16 defense counsel. That's all I have.

17 Q. So if you were not provided --

18 MR. BERMAN: Withdrawn.

19 Q. If you were provided with Ms. Fischman's
20 testimony, wouldn't it be listed in your expert
21 report?

22 A. Yes, it would.

23 Q. If it's not listed in your expert
24 report, does that tell you that you didn't rely
25 upon it?

1 R. Wexler - Confidential

2 A. Yes, it tells me that I did not rely
3 upon it.

4 Q. My question is do you have any
5 independent knowledge other than through the
6 documentation provided to you whether Ms.
7 Fischman applied for jobs with either Andrew
8 Berman or Michael Lord?

9 A. No, I don't.

10 Q. Similarly, you wouldn't have any
11 personal knowledge of whether she was rejected
12 from any jobs from Michael Lord or Andrew Berman,
13 correct?

14 A. Not from those individuals, that's
15 correct.

16 Q. Thank you. Did you ever consult with
17 anyone at BCG Legal Search?

18 A. No, I don't believe so.

19 Q. Do you know whether Andrew Berman has
20 any affiliation with BCG Legal Search?

21 A. I'm not sure. I usually refer to him
22 through the Michael Lord group.

23 Q. With reference again to the vocational
24 and rehabilitation assessment model, would you
25 say that the use of this model is an art as much

1 R. Wexler - Confidential

2 as a science?

3 A. Yes.

4 MS. PRIMAVERA: Objection.

5 Q. And you so testified in the Downing
6 matter, correct?

7 A. I did.

8 Q. Has your opinion changed since then?

9 A. No.

10 Q. Isn't the use of the vocational and
11 rehabilitation assessment model generally based
12 upon determining whether injured or disabled
13 workers can find jobs in new fields?

14 A. That's how it was originally developed.

15 Q. Okay. Isn't this methodology primarily
16 used in workman's compensation, Social Security
17 and disability cases?

18 A. The model has been used in those --
19 particularly in personal injury, medical
20 malpractice. That's how it was originally
21 developed. It's, as I testified earlier, pre and
22 post injury or events.

23 However, the model itself in terms of
24 how to review someone's skills, understand how
25 they've been applied, if they're still intact and

1 R. Wexler - Confidential

2 can they be applied elsewhere in the local labor
3 market -- sometimes national, depending, will
4 still be appropriate because it's an accepted
5 step-by-step process.

6 MS. PRIMAVERA: I will interject and
7 request we take a break at this point, it's
8 12:10.

9 MR. BERMAN: That's fine. How long
10 would you like to break for?

11 MS. PRIMAVERA: It's up to you, Rona,
12 and Matthew.

13 MR. BERMAN: How long would you like,
14 Ms. Wexler?

15 THE WITNESS: I would say a good 10
16 minutes and --

17 MR. BERMAN: We're going to take a lunch
18 break.

19 THE WITNESS: Let's take five minutes
20 then.

21 MR. BERMAN: You went in the wrong
22 direction. I'm suggesting we take more than
23 10 minutes for lunch.

24 THE WITNESS: 20 minutes, 25 minutes.

25 MR. BERMAN: Why don't we say 30 minutes

1 R. Wexler - Confidential

2 and we will reconvene at 12:40.

3 (Whereupon, a luncheon recess was
4 taken.)

5 Q. Last we left off I think was continuing
6 the line of questioning on the vocational and
7 rehabilitation assessment model.

8 I believe you testified that there were
9 subsequent models that you thought were not
10 necessary.

11 Are you able to point to any literature in
12 your field of expertise supporting the claim that
13 the model that you used is valid when less than
14 all of the steps are used?

15 A. I can't recall at the moment any
16 statement that is made per se. I do recall the
17 model is used for people pre and post injury and
18 by the nature of that itself would indicate that
19 some of those steps could not be used.

20 Q. Can you point to any literature in your
21 field of expertise that the model is valid at all
22 for use in litigation concerning this
23 reasonableness of a job search?

24 A. I think the best one would be the
25 Robinson article or book, Foundation for Forensic

1 R. Wexler - Confidential

2 Vocational Rehabilitation, which also has a
3 separate chapter on employment matters and not
4 just rehabilitation.

5 Q. Does that work address the
6 reasonableness of a person's job search?

7 MS. PRIMAVERA: Objection.

8 A. I don't know if the word "reasonable" is
9 used. However, the steps are outlined.

10 Q. Did you conduct any review of the
11 literature in your field prior to preparing this
12 report?

13 A. Some of the literature I had reviewed
14 prior to this. I reviewed it again as to its
15 applicability to this particular matter.

16 Q. Okay. Appendix D of your report --
17 excuse me, Appendix B, like boy, commencing on
18 page 33.

19 A. Yes.

20 Q. This is your list of standard resources
21 and references upon which your report relies,
22 correct?

23 A. Yes.

24 Q. Are any of these documents that are
25 cited here contained in the academic literature

1 R. Wexler - Confidential

2 in your field of knowledge?

3 A. Any of these? Well, the revised --
4 number 19, The Revised Handbook For Analyzing
5 Jobs, would be one. Let's see. We're talking
6 about research or literature? Can you clarify,
7 please.

8 Q. I'm talking about literature that you
9 relied upon in the preparation of your report and
10 the delivery of your opinions.

11 Which of these sources are in the body of
12 literature related to your field of study?

13 MS. PRIMAVERA: Objection.

14 A. Well, Richard Bolles has been someone
15 that I studied for quite sometime.

16 Q. Are you --

17 A. I'll get there in just a moment, sir.
18 That would be number three and also in his book
19 in number nine, under "additional resources and
20 references," "What Color is Your Parachute a
21 Practical Manual for Job Hunters and Career
22 Changers."

23 Let's see what else. One of the other
24 articles that I referred to is number 25 in that
25 section, Triangle Publishing, "Why Networking is

1 R. Wexler - Confidential

2 so important in a job search by deBruyn, Jason.

3 And number 32, the Oxford Handbook of
4 Job Loss and Job Search.

5 Q. Have you completed your response?

6 A. And the last one is a paper written for
7 the World Economic Forum, "The longer you're
8 unemployed, the less likely you are to find a
9 job. Why?"

10 Those are the ones I can point to at the
11 moment.

12 Q. Okay.

13 A. And the others I incorporated from time
14 to time, you know.

15 Q. Okay. So pertaining to the first one of
16 those by Richard Bolles, you're referring to item
17 number three on Appendix B, correct?

18 A. Yes.

19 Q. Is that an article on Next Avenue?

20 A. Yes, it's derived a lot from his books
21 that he published as well, which he's done pretty
22 much annually since 1975.

23 Q. What is Next Avenue?

24 A. Next Avenue is actually a publication
25 that's geared to those in the 50 age -- 50 plus

1 R. Wexler - Confidential

2 category and they generally extract articles or
3 look to them, you know, for topics that would be
4 of interest to that population.

5 Q. Is this entry, item number three, peer
6 reviewed?

7 A. No, it is not.

8 Q. Okay.

9 A. Richard Bolles is not peer reviewed.

10 Q. Turning to number 19, "The Revised
11 Handbook for Analyzing Jobs." That's a
12 government handbook?

13 A. Yes. And that was last published in
14 '91. The premise or the methodology used is
15 still used today and it's an underlying textbook
16 that is used in course work.

17 Q. Did you rely upon any of the methodology
18 cited in that handbook?

19 A. I've incorporated that methodology in my
20 day-to-day practice. I haven't necessarily
21 referred to it in some time and the book is
22 packed away somewhere.

23 Q. Is that methodology specifically
24 utilized in your expert report in this matter?

25 A. Specifically? It's an underlying

1 R. Wexler - Confidential

2 foundation, that's the best I can tell you.

3 Q. It's a foundational work in your field
4 of study?

5 A. Yes, it is.

6 Q. Okay. And it's not a peer reviewed
7 source, is it?

8 A. I believe it was peer reviewed. But
9 it's so long ago I really can't tell you.

10 Q. What about number nine on the additional
11 resources, "What Color is Your Parachute," is
12 that a peer reviewed work?

13 A. Well, that's Richard Bolles, again, and
14 wife, Mary, so it's not peer reviewed.

15 Q. What about number 25, Triangle
16 Publishing, "Why networking is so important in a
17 job search"?

18 A. I don't believe -- I'm not sure if
19 that's peer reviewed or not. I know there was
20 some study that he conducted but I can't say for
21 sure.

22 Q. What about the Oxford Handbook of "Job
23 Loss and Job Search"?

24 A. Those articles -- well, this is a
25 handbook that contains a variety of different

1 R. Wexler - Confidential

2 chapters I should say. Those chapters to the
3 best of my knowledge have been peer reviewed.

4 Q. Continuing on, what about number 34, the
5 "World of Economic Forum" item, is that peer
6 reviewed?

7 A. I believe it is peer reviewed but likely
8 by the author's peers -- because it was published
9 by the Federal Reserve Bank of New York. But I
10 can't say exactly if it was peer reviewed or not
11 other than that it was used by the federal
12 Reserve Bank.

13 Q. So with respect to these items that we
14 just discussed; number 3, number 19 on the
15 Standard Resources, number 10 -- I'm referring to
16 the two lists contained within Appendix B. We
17 have under Standard Resources and References
18 items 3 and 19.

19 And Under Additional Resources and References
20 we have numbers 9, 25, 32 and 34. Are you with
21 me?

22 A. I am.

23 Q. Are these six items foundational items
24 in your field of study?

25 A. I would say for the most part they are,

1 R. Wexler - Confidential

2 yes. Although 34 may or may not be a
3 foundational item in our field of study, is it
4 through our own research we identify this article
5 and the research that was conducted.

6 Q. Have you used any specific methodologies
7 from these six works within your expert report in
8 this matter?

9 A. Specific methodologies? Are we still
10 referring to Richard Bolles or are we not --
11 we're just referring to peer reviews?

12 Q. Let me ask it a different way. On page
13 five of your report you identify your evaluation
14 methodology, right?

15 A. Yes.

16 Q. Does that evaluation methodology on page
17 five to six of your report utilize any of the
18 specific methodologies in those six works you
19 just identified?

20 A. I would say, as I mentioned before in my
21 prior statement and testimony, that the -- excuse
22 me -- that number -- what number was it -- number
23 19, the revised handbook, and number 22,
24 vocational assessment, evaluating employment
25 potential, they are foundational texts in my

1 R. Wexler - Confidential

2 field of expertise.

3 As far as the others are concerned,
4 Richard Bolles and Mary Emery Bolles, they have
5 been pioneers in this field for multiple decades
6 and they constantly update their recommendations,
7 it's in their manual, to reflect the changes in
8 the job world and the new tools that we have to
9 search for work.

10 Let's see. "The Rehabilitation
11 Professional, What is a reasonable job search?
12 Developing a theoretical framework by Steward,
13 D.E. and Turner, D.T.," that's definitely one
14 that I have used and looked at.

15 And I already mentioned the forum --
16 "World Economic Forum" as something that we found
17 that seemed to have some implication in looking
18 for a job.

19 Q. Have you completed your response?

20 A. I'm just -- I also did refer to "Why
21 networking is so important in a job search." But
22 honestly that -- "honestly" is a bad term -- that
23 article is simply reenforcing things that we have
24 known for sometime and that has been recommended
25 in other publications, peer reviewed and

1 R. Wexler - Confidential

2 otherwise, as to how for search for work.

3 Q. Have you completed --

4 A. I am completed, yes.

5 Q. On page 5 to 6 of your expert report,
6 are you identifying more than one methodology
7 that you've employed?

8 A. I can't say that there was more than one
9 methodology.

10 Q. Okay. So then the methodology that's
11 described here on pages 5 to 6 of your report is
12 the methodology you used, correct?

13 A. Yes, it is.

14 Q. Is that methodology the same as the
15 vocational and rehabilitation assessment model?

16 A. It's very comparable -- it's very
17 similar, yes.

18 Q. Is the vocational and rehabilitation
19 assessment model contained within any of the six
20 works that we identified in Wexler Exhibit B?

21 MS. PRIMAVERA: Objection.

22 A. I would say that the model would be
23 described in 31, "The Rehabilitation
24 Professional" as well as "The Oxford Handbook of
25 Job Loss and Job Search." And to a certain

1 R. Wexler - Confidential

2 degree those basic texts that I referenced before
3 and, of course, the books and publications by
4 Richard Bolles.

5 Q. So of the six items that we discussed
6 that are listed in Wexler Exhibit B, it's not
7 clear to me whether those six contain the model
8 we've been discussing.

9 I believe you mentioned it is contained
10 within "The Oxford Handbook," did I get that
11 right?

12 A. And "The Rehabilitation Professional."

13 Q. But of those items, the only one that
14 has peer reviewed material in it is "The Oxford
15 Handbook," correct?

16 A. And "The Rehabilitation Professional."

17 Q. That one is peer reviewed as well?

18 A. Oh, yes.

19 Q. And the rest of items in Appendix B is
20 the "Standard Resources and References." Aren't
21 those generally articles available online?

22 A. Well, most of these things are available
23 online. And, yes, the reason I include them, as
24 I stated in my report, is that their sound
25 advice, there's a consensus of opinion to be sure

1 R. Wexler - Confidential

2 and they're readily accessible to anybody going
3 to these cites or just looking about suggestions
4 on how to conduct a good job search.

5 Q. Is it fair to say these represent common
6 sense tips for job search seekers?

7 A. Pretty much.

8 Q. In your application of the vocational
9 model, does step one include the purpose of the
10 referral?

11 A. Let me just take a look at that for a
12 moment, please. The purpose of the rereferral
13 would be the overriding, you know, subject --
14 text -- context for all of these steps.

15 Q. Is that one of the steps in the
16 vocational model we've been discussing?

17 A. That can be one of the step, yes, to
18 know the purpose of what -- what purpose its
19 evaluation is supposed to serve, yes.

20 Q. Is there a professional methodology for
21 applying that step of the model?

22 A. Not that I can think of except to
23 understand what your role is, what you've been
24 asked to opine on.

25 Q. Did you prepare this section of the

1 R. Wexler - Confidential

2 report yourself?

3 A. Yes.

4 Q. Were there any sections of this report
5 that you did not prepare yourself?

6 A. No. I mean, I prepared them, my
7 associate also gave me some input to a degree on
8 the research end. This report is created solely
9 by me.

10 Q. When you mention your associate, are you
11 referring to Dr. Turner?

12 A. I am.

13 Q. What area of study is Dr. Turner a
14 doctor in?

15 A. He has doctorate in vocational
16 rehabilitation, counseling and evaluation. He
17 has been doing this for a number of years in a
18 variety of settings. He also has a very strong
19 background in statistical analysis and research.

20 Q. Did he provide any statistical analysis
21 for you in connection with this report?

22 A. He and I reviewed independently the data
23 from Forensic JobStats, which as I mentioned
24 before, I got directly from SJS and then he and I
25 reviewed that together.

1 R. Wexler - Confidential

2 Q. Was there any part of the work done in
3 connection with this report that he performed
4 exclusively?

5 A. No, we performed it together but he did
6 create the charts.

7 Q. Did he rely upon any of his statistical
8 knowledge in the preparation of the charts?

9 A. Well, what he relied upon was using his
10 statistical knowledge to go through the data and
11 be able to ascertain from some extensive sampling
12 the degree of the number of jobs, the percentage
13 of jobs that were really appropriate for Ms.
14 Fischman to make application.

15 Q. Okay. Did you review the sample
16 conducting by Dr. Turner?

17 A. Yes, we reviewed it together.

18 Q. Did you review the percentage of jobs
19 identified by Dr. Turner?

20 A. We reviewed jobs that he had some
21 questions about whether or not we thought they
22 were appropriate or not. One of the ones that we
23 chose to be more conservative about is we had
24 indicated that she could be a chief general
25 counsel and after looking at some of the

1 R. Wexler - Confidential

2 requirements of the jobs and her time out of the
3 field, you know, having been unemployed for a
4 certain period of time we eliminated those jobs.
5 To err on the side of caution.

6 Q. And in connection with performing his
7 role in preparing the report, did Dr. Turner rely
8 upon his statistical background?

9 A. I'm sure he did.

10 Q. Did you review his work that relied upon
11 his statistical background?

12 A. We -- I reviewed the work and then I
13 reviewed it with him.

14 Q. Did you review the work performed by
15 Dr. Turner that relied upon his statistical
16 knowledge?

17 A. Yes.

18 Q. Are you qualified to review the
19 statistical work performed by a doctor?

20 MS. PRIMAVERA: Objection.

21 A. For the purposes of this project and
22 this assignment, yes.

23 Q. What training and background in
24 statistics do you possess?

25 A. My job was to help -- was to assess or

1 R. Wexler - Confidential

2 to supervise the quality check of the data that
3 we received. From that Dr. Turner then conducted
4 an additional analysis to determine the number of
5 jobs that were appropriate that were not
6 duplicative in the report and then to a certain
7 degree use his statistical knowledge to determine
8 that.

9 For example, he determined that
10 approximately 12 percent of the jobs that we
11 reviewed were likely duplicates and we eliminated
12 them.

13 Q. Have you completed your response?

14 A. I have.

15 Q. Are you qualified to determine whether
16 Dr. Turner properly assessed the percentage of
17 jobs reviewed as being duplicated?

18 A. In this matter, yes.

19 Q. What qualifications do you rely upon to
20 perform that review?

21 A. Oh, my professional experience, 20 years
22 in this field, evaluating multiple individuals of
23 all different strifes and capabilities, primarily
24 white color and professionals, yes, I feel quite
25 qualified to do so.

1 R. Wexler - Confidential

2 Q. I think you answered a more general
3 question than the one I asked you, which was what
4 qualifies you to determine whether Dr. Turner
5 accurately calculated the percentage of jobs
6 reviewed as being duplicates?

7 MS. PRIMAVERA: Objection.

8 A. Because we reviewed the duplicates
9 together and was therefore able to determine if
10 they were, in fact, duplicate or not. And he and
11 I both reviewed the data in different stages and
12 I feel comfortable with his work.

13 Q. That's not -- are you qualified to gauge
14 the quality of Dr. Turner's work when it comes to
15 mathematical or statistical knowledge?

16 MS. PRIMAVERA: Objection. This is
17 third time you asked the same question.

18 MR. BERMAN: She hasn't answered it.

19 MS. PRIMAVERA: She did.

20 A. I said I'm qualified to understand and
21 evaluate the quality of his work in this matter.
22 The statistics in this matter are very
23 straightforward, sir.

24 Q. Does that mean you don't need to be an
25 expert on statistics to understand the statistics

1 R. Wexler - Confidential

2 used in this matter?

3 MS. PRIMAVERA: Objection.

4 A. In this particular matter?

5 Q. Yes.

6 A. I would say yes.

7 Q. Is it fair to say that you're not
8 relying on any expert level of knowledge in
9 statistics in connection with your work performed
10 here?

11 MS. PRIMAVERA: Objection. You can
12 answer.

13 A. I am relying on my associate's knowledge
14 and my experience in doing this many times and
15 knowing what I need to do.

16 Q. Okay. Is your associate going to be
17 testifying in this matter?

18 A. No, he is not.

19 Q. So then how can I evaluate the
20 reliability of your associate's work?

21 A. You'll have to rely on my reliability on
22 this work and that's it.

23 Q. You referred to a quality check of the
24 data, do you recall making that statement?

25 A. I do, yes.

1 R. Wexler - Confidential

2 Q. Can you describe to me what your quality
3 check of the data was comprised of?

4 A. Primarily going through the job
5 descriptions that were posted in the jobs online
6 that we found through Forensic JobStats. We
7 would like -- I would like at the job duties,
8 responsibilities, knowledge and skills that was
9 required, including education and licensure. And
10 comparing that to the skills, knowledge, and
11 experience that Ms. Fischman demonstrated
12 throughout her legal career, particularly in last
13 15 to 20 years.

14 Q. Did you say comparing that to the skills
15 knowledge and experience of Ms. Fischman in the
16 last 20 years?

17 A. 15 to 20 years.

18 Q. Now walk me through the process of your
19 quality check, please; what are the different
20 steps in that process -- what did you do first
21 and how did you proceed?

22 A. First I look at the jobs that were
23 identified using keywords and job titles and then
24 I would look through the job description; first
25 of all, where it's located, what are the

1 R. Wexler - Confidential

2 requirements, what does this job entail, does it
3 require knowledge of certain aspects of the law,
4 does it require any supervisory roles, travel.
5 But primarily what exactly are the
6 responsibilities for the individual who is
7 applying for this position. Generally the job
8 description can be somewhat detailed and the
9 requirements are usually pretty specific,
10 although some are preferred rather than required
11 and I look at that as well.

12 Q. Have you completed your response?

13 A. I'm thinking. That's the first step in
14 reviewing the job, yes.

15 Q. Okay. Can you continue on and describe
16 additional steps that were consisting -- that
17 were within your quality check that you
18 described.

19 A. So in looking through those different
20 items, I would then mentally check off the ones
21 that I thought were responsibilities or tasks
22 that Ms. Fischman can perform in that job and
23 that she could convey that with a degree of
24 credibility, knowledge and good presentation to
25 make her a competitive candidate. Some jobs were

1 R. Wexler - Confidential

2 too entry level and we tended to eliminate those.

3 And as I mentioned before, if they were really

4 very senior jobs, it was my decision not to

5 include them.

6 Q. Have you completed your response?

7 A. Yes.

8 Q. Were there any other steps in the

9 quality check you performed?

10 A. For the most part, none of these jobs
11 have any -- I would say 95 percent of them do not
12 include any compensation. At jobs at this level
13 they often don't. So if they did, and it was
14 well below what someone might be earning -- and I
15 do mean very entry level or somewhat entry
16 level -- then I would not consider that as a
17 viable opportunity, that would help her mitigate
18 her damages or be a good selection for her.

19 Q. Was there any other step in your quality
20 check that you haven't described to me so far?

21 A. Other than geographic location or other
22 kinds of requirements such as language or
23 figuring out certain aspects of the law or an
24 industry, I would say not.

25 Q. Have you now related to me all steps in

1 R. Wexler - Confidential

2 your quality check or are there any other steps?

3 A. Right now that's what I can recall.

4 Q. Okay. If you should recall any
5 additional steps, would you please inform me
6 immediately?

7 A. Of course.

8 Q. So with respect to the first part of the
9 quality check that you conducted. Did you say
10 that that was consisting of going through the
11 postings on Forensic JobStats?

12 A. Yes.

13 Q. Did you personally review each of the
14 postings?

15 A. Not every single one.

16 Q. How many postings did you review?

17 A. It's hard to say. I did a number of
18 different postings -- a good sample of maybe 30,
19 40 per year -- depending on how many were
20 published. In the first year of her job search
21 there was a lower number, it increased in 2018
22 and it increased dramatically in 2019. So at
23 that point -- but her job search seemed to have
24 ended in 2018.

25 Nonetheless, I would say I reviewed a

1 R. Wexler - Confidential

2 significant number of these job.

3 Q. In the first year of Ms. Fischman's
4 unemployment, how many jobs on Forensic JobStats
5 did you review?

6 A. I would say -- especially that first
7 year, at least 45, 50 -- maybe 45.

8 Q. You reviewed approximately 45 job
9 postings that were available to Ms. Fischman in
10 the first year?

11 A. Yes.

12 Q. That's 45 out of how many?

13 A. 76.

14 Q. All right. So the other 31 jobs you did
15 not review for that year, right?

16 A. Not specifically, no.

17 Q. Of the 45 jobs, you looked at the job
18 duties, the responsibilities, the knowledge, the
19 skills, the experience and the licensure; was
20 that your testimony?

21 A. Yes. And the type of industry that it
22 entailed, yes.

23 Q. What types of industries did you
24 include?

25 A. Anything to do with technology,

1 R. Wexler - Confidential

2 manufacturing, industrial. Almost anything that
3 was out there. It wasn't necessarily important
4 to stick to a particular industry because she had
5 covered a lot of different types of functions and
6 responsibilities as a lawyer working with
7 Raytheon, working with one of the boards of
8 directors, as well as her work with Mitsubishi.
9 So she had a wide range of experience and skills
10 that could apply to multiple industries and
11 environments.

12 Q. Is that based upon your personal
13 experience?

14 MS. PRIMAVERA: Objection.

15 A. It's based upon my experience as someone
16 who is looked at professionals and placed them in
17 different types of jobs and also just the
18 methodology, a job has skills that are
19 transferable to other positions. If the
20 functions are very similar then that person can
21 be deemed as at least qualified enough to apply
22 to obtain an interview. If there are more
23 specifics that arise during the interview -- and
24 that's sometimes happens -- then that person may
25 be eliminated, it doesn't mean she didn't have

1 R. Wexler - Confidential

2 appropriate qualifications, it's more of a
3 question of fit, and in comparison with other
4 candidates.

5 Q. But you base that off of your
6 experience, correct?

7 MS. PRIMAVERA: Objection.

8 A. I do --

9 Q. You --

10 A. -- and the methodology that I just
11 described. We talked about transferable skills
12 analysis. And in this case those are
13 transferable skills to a life position such as a
14 JC or associate counsel in different companies.
15 Obviously, she can go to a different type of
16 company internally or even externally and perform
17 similar work.

18 Q. But in assessing what you described as a
19 like position or in assessing as you described it
20 similar work, you didn't use any industrial
21 psychology methodology to compare the jobs, did
22 you?

23 MS. PRIMAVERA: Objection.

24 A. No, and as I testified before, sir, I
25 don't use industrial psychology for this, it's

1 R. Wexler - Confidential

2 not necessary.

3 Q. So that means that there was no job
4 analysis performed and no similarly index was
5 relied upon, correct?

6 MS. PRIMAVERA: Objection.

7 A. No, that's not correct. Industrial
8 psychologists have their methodology and
9 employability experts and vocational experts have
10 theirs. There are probably overlaps and there
11 are similarities.

12 Q. Did you use any methodology to determine
13 or to assess the degree of overlap between Ms.
14 Fischman's jobs at Mitsubishi and the jobs in
15 Forensic JobStats' database?

16 A. Yes, I did.

17 Q. What was that methodology?

18 A. Looking at the descriptions of the job
19 that she -- and the tasks that she performed in
20 her resume and comparing those to what I found in
21 the jobs that were advertised and how they
22 described the position opening.

23 Q. So comparing the two job descriptions of
24 the job that she had and the job that was listed
25 in Forensic JobStats?

1 R. Wexler - Confidential

2 A. Yes.

3 Q. Okay. Can anybody make that comparison?

4 MS. PRIMAVERA: Objection.

5 A. No -- actually, I found that a lot of
6 people don't make a good comparison with that if
7 they haven't had the proper training.

8 Q. Do you need to be a vocational expert to
9 compare the jobs listed that Ms. Fischman had in
10 the jobs in Forensic JobStats?

11 A. I think that that knowledge is
12 particularly important understanding the nuances
13 and how a description of a task may not be quite
14 appropriate for a job in another venue. And
15 that's where I specialize in because I have a
16 great deal of business experience and I can tell
17 that.

18 Q. Can a layperson compare the jobs just as
19 easily as you can?

20 MS. PRIMAVERA: Objection.

21 A. From my experience that has not been the
22 case. I find that a layperson makes lots of
23 assumptions based on what they deem is important
24 to them and how they assess it. I seen this many
25 times. Attorneys sometimes do the same thing as

1 R. Wexler - Confidential

2 a layperson.

3 Q. I'm sorry, but didn't you just describe
4 to me that you made assumptions about the jobs
5 based on what you deem important based on your
6 experience?

7 MS. PRIMAVERA: Objection.

8 A. It's not just -- no, I did not state it
9 that quite that way. I indicated that the job
10 description is one that I evaluate and analyze in
11 the context of the overall job and the company or
12 industry and then compare it to what I extract
13 from Ms. Fischman's experience, work history, et
14 cetera. Certain terminology may appear almost
15 the same, sometimes it's not quite the same. And
16 that is where my experience in doing this over
17 and over again has been helpful.

18 Q. But you're relying upon your judgment to
19 do that, right?

20 MS. PRIMAVERA: Objection.

21 A. I am relying on my professional judgment
22 and experience.

23 Q. You're sorting these jobs into buckets
24 but whether to include or eliminate them based on
25 that judgment, correct?

1 R. Wexler - Confidential

2 A. Pretty -- yes, I judge whether or not
3 they're appropriate and should be included in
4 these numbers or they're less appropriate and
5 might not be helpful in that.

6 Q. And what label would you put on your
7 area of expertise, what would you call that?

8 A. I would call that job analysis as well
9 as transferable skills analysis.

10 Q. Is there an area of study that that's
11 considered, is that --

12 A. Yes, it's in vocational evaluation and
13 vocational assessment, which I have training in.

14 Q. Did you say vocational evaluation and
15 vocational assessment?

16 A. Yes.

17 Q. Let's presume that you're an expert in
18 each of those two topics. If I found another
19 expert in each of those topics, would they make
20 that identical judgment calls that you made in
21 each instance as to whether to include or
22 eliminate the job?

23 MS. PRIMAVERA: Objection.

24 A. That is impossible to say. As I
25 mentioned before, we each come with our own

1 R. Wexler - Confidential

2 experiences with different types of positions or
3 occupations and so I would hope that the two
4 would be fairly comparable and not substantially
5 different but I can't say they will be identical.

6 Q. As part of your assessment, did you take
7 into account the geographical location?

8 A. Yes.

9 Q. How did you factor that into your
10 assessment?

11 A. Ms. Fischman, I believe lived in West
12 Chester County, highly commutable to Westchester
13 as well as New York City -- well, let me qualify
14 that -- I would say Manhattan. I'm not so sure
15 other areas in the outer boroughs because the
16 commute might be too difficult. So those were
17 primarily the areas we looked at unless a job --
18 and I can't recall what one did indicated that it
19 was more virtual in nature and then that would be
20 less relevant.

21 Q. Did you factor in commuting distance in
22 your assessment?

23 A. Yes.

24 Q. Did you eliminate jobs based on
25 commuting distance?

1 R. Wexler - Confidential

2 A. Not just distance, commutation. I lived
3 in New Jersey, New York, outside D.C.,
4 Philadelphia and I know that commutation is not
5 only a radius or a distance it's also how
6 difficult that communicate can be if there's a
7 direct road to where you need to be. Now,
8 commutation to New York is primarily by train so
9 access to the Metro North would probably be more
10 important.

11 Q. How did you determine based on
12 commutation which jobs include and which jobs to
13 eliminate?

14 A. If they had -- well, generally the job
15 postings indicated where they were located and
16 that was helpful.

17 Q. So you know where the job was located.
18 How does that -- what criteria do you then
19 utilize to include or exclude the job based on
20 its location?

21 A. Based on my knowledge of commutation
22 factors as well as distance, I would determine
23 whether or not that was feasible or not. For
24 example, if it was near go Poughkeepsie or
25 Albany, that's a not commutable.

1 R. Wexler - Confidential

2 Q. What is your knowledge of what's
3 commutable based upon?

4 A. Living in this area for 20 years, being
5 a sales rep and having to travel through New
6 York, Connecticut and Jersey, Westchester County,
7 Orange County. I have a pretty good idea about
8 commutation.

9 Q. That's based upon your residency,
10 correct?

11 A. I lived in different places. So, yes,
12 that is based upon residency. I also worked with
13 many candidates who live all over the area and we
14 often discussed what is feasible for them and
15 what is not.

16 Q. Are you claiming any expertise in
17 commutation?

18 A. No, Mr. Berman, I'm not claiming
19 expertise in commutation.

20 Q. Thank you. Now, you said you also
21 considered licensure, right?

22 A. Yes.

23 Q. How did licensure factor into your
24 determinations?

25 A. Well, in some ways -- you know, her

1 R. Wexler - Confidential

2 licensure is in California. We also factored
3 into and discussed that if she wanted to pursue
4 jobs that required a New York license, she could
5 sit for the bar. She was unemployed, she could
6 study for it and do so. That's how we determined
7 it.

8 Q. Didn't you include in your analysis jobs
9 that were listed immediately after her
10 termination?

11 A. Yes, we did.

12 Q. Wouldn't it take some period of time for
13 her to get admission to the New York bar?

14 A. Yes.

15 Q. How long would that take?

16 A. That depends. It depends on her taking
17 the exam and it depends whether it's available,
18 it depends the time she puts in to study for it.
19 It could take a good six to nine months if the
20 job absolutely requires her to have that
21 licensure right now.

22 Q. Do you know whether it's lawful to
23 practice law in the State of New York without a
24 license?

25 A. It is not lawful to practice law in the

1 R. Wexler - Confidential

2 State of New York without a license. You can
3 perform other tasks but you really can't perform
4 work as an attorney.

5 Q. Did you include any jobs outside of the
6 State of New York in your analysis?

7 A. I believe we did but I can't recall at
8 the moment.

9 Q. Do you know what states those jobs are
10 in?

11 A. As I said, I can't recall at the moment.
12 I would have to go back over the data.

13 Q. Did you include California?

14 A. Yes, but sometimes the California jobs
15 can also be located here but it might be housed
16 in California, such as the Mitsubishi job, for
17 example.

18 Q. Well, the Mitsubishi job was pursuant to
19 a special type of listening, was it not?

20 A. Yes.

21 Q. Do you know whether Ms. Fischman's
22 licensing continued -- her special licensing, do
23 you know whether that licensing continued after
24 the termination of her employment with
25 Mitsubishi?

1 R. Wexler - Confidential

2 A. I'm not certain.

3 Q. Do you know whether Ms. Fischman's
4 license expired upon her termination?

5 A. I don't know if her license expired in
6 California upon termination, the special
7 license -- are you talking about the special
8 license?

9 Q. Yes.

10 A. My guess would be that the license may
11 have expired after she was terminated because it
12 was a special license.

13 Q. Did you conduct any assessment of what
14 the earliest point in time would have been after
15 Ms. Fischman's termination that she could have
16 obtained licensure within the State of New York?

17 A. Not specifically, no.

18 Q. No?

19 A. No -- not that I can recall. I never
20 looked into it so I'm not sure.

21 Q. You're not sure. But you do know that
22 you included jobs within the State of New York
23 that she couldn't possibly have obtained a
24 license in time to respond to those jobs,
25 correct?

1 R. Wexler - Confidential

2 MS. PRIMAVERA: Objection.

3 A. It's quite possible she could not but
4 she might have been invited for an interview and
5 that would have been a very positive thing.

6 Q. That's an assumption, correct?

7 MS. PRIMAVERA: Objection.

8 A. Yes, it is assumption that she could
9 have been invited to an interview.

10 Q. Does that also assume that Ms. Fischman
11 would pass the bar on her first attempt?

12 MS. PRIMAVERA: Objection.

13 A. Yes.

14 Q. Did you consider the possibility that
15 she would be unable to pass the bar?

16 A. I considered it.

17 Q. How did you consider that possibility?

18 A. I considered the possibility that it
19 does happen, number one.

20 But I was also considering the fact that
21 she had been practicing different forms,
22 different types of law for quite some time in
23 doing so, as it appeared successfully, in many
24 different roles, that she graduated from an
25 excellent law school and that with the right

1 R. Wexler - Confidential

2 amount of time and diligence, I had confidence
3 that she would pass the first time.

4 Q. In assessing the person's background, is
5 that one of the steps in the vocational model
6 that we described earlier?

7 A. Can you define "background," please.

8 Q. Sure. Wasn't one of the steps of the
9 vocational model to assess a candidate's
10 background?

11 MS. PRIMAVERA: Objection.

12 A. I'm still not clear what you mean about
13 background.

14 Q. I'm just asking you about the steps of
15 the vocational model. My understand was that the
16 first step of the analysis was to look at purpose
17 of referral and then I was attempting to move
18 onto whatever the second step would be.

19 A. The second step would be to consider her
20 background in terms of where she resided; her
21 family, does she have family responsibilities
22 perhaps; her involvement in non-work activities;
23 leadership roles, such as volunteer experience;
24 ways in which she might have been embedded in the
25 community for a certain period of time versus

1 R. Wexler - Confidential

2 just newly relocated individual. And I did
3 consider that Ms. Fischman had grown up and
4 resided in the greater Scarsdale area and that
5 she had many relationships there just by being in
6 the same place for the majority of her life --
7 and let's see -- and that includes her
8 educational background, of course, and her
9 qualification from that. That would be, you
10 know, about the extent of the background for the
11 purposes of this report anyhow.

12 Q. Have you completed your response?

13 A. I believe so.

14 Q. So your assessment of her connections to
15 the community were based upon assumptions that
16 you made about Ms. Fischman?

17 MS. PRIMAVERA: Objection.

18 A. She also indicated some things in her --
19 some activities in her documentation, such as
20 being involved in some community groups and that
21 indicates to me someone who has relationships in
22 the community.

23 Q. But does that factor into whether the
24 jobs from Forensic JobStats are comparable to her
25 job at Mitsubishi?

1 R. Wexler - Confidential

2 A. No, but it does tell me she has the
3 ability to promote her networking activities
4 within her community and within the legal
5 community in order to help find work.

6 Q. So does that pertain to your second of
7 your two opinions and not to your first opinion?

8 A. That's part of the background as well --
9 the background is a piece of that.

10 Q. Is there a professional methodology
11 that's employed to assess a person's background
12 in the manner that you described?

13 MS. PRIMAVERA: Objection.

14 A. I'm not sure about that but it's part of
15 the profile that we generally complete for an
16 individual that we're evaluating.

17 Q. Is it part of the literature with
18 respect to vocational evaluation?

19 A. I'm sure there's a piece of that
20 incorporated somewhere. I'm not sure. It's just
21 a natural for thing for me to do and what I was
22 trained to do.

23 Q. Is there any reference work that you can
24 cite me to for that methodology?

25 A. I believe the references I've given you

1 R. Wexler - Confidential

2 before probably I would say have some component
3 of that, getting the person's background.

4 Q. Then you mentioned another step of the
5 analysis being a transferability analysis, did I
6 get that correct?

7 A. Transferable skills analysis, otherwise
8 known as a TSA.

9 Q. Transferable skills analysis. Does that
10 normally include behavioral observations?

11 A. Where I can obtain it, yes. Mostly in
12 terms of presentation and articulation.

13 Q. You didn't obtain any behavioral
14 observations of Ms. Fischman, did you?

15 A. No, I did not have that opportunity.

16 Q. Doesn't a transferable skills analysis
17 normally include psychometric testing?

18 A. Not necessarily.

19 Q. When you say "not necessarily," what do
20 you mean?

21 A. What I mean is psychometric testing is
22 applied on a case by case basis. If an
23 individual has been well-educated and performs
24 successfully in so many different roles as Ms.
25 Fischman, I would say that psychometric testing

1 R. Wexler - Confidential

2 is not applicable here.

3 Q. Is there any literature in your field of
4 study that you relied upon for that
5 determination?

6 A. I think you'll find in all of this
7 literature there will be psychometric testing
8 involved where it is appropriate and necessary.
9 And, again, a lot of this methodology is about
10 pre and post events or injuries. And in this
11 case, Ms. Fischman, to the best of my knowledge,
12 did not have that type of event. She was -- her
13 event was that she was terminated from Mitsubishi
14 and then was positioned to look for new
15 employment.

16 Q. When you say she didn't have that type
17 of event, what type of event are you referring
18 to?

19 A. Injuries or some diminishment of
20 capability, cognitive, behavioral or physical,
21 which was not evident from the documentation or
22 reports that I received. Therefore, I did not
23 see it as necessary to perform psychometric
24 testing.

25 And, again, I want to reiterate,

1 R. Wexler - Confidential

2 psychometric testing has its place but not in
3 every case.

4 Q. Isn't the determination as to
5 appropriateness and necessity of psychometric
6 testing a matter of judgment?

7 A. Yes.

8 Q. So if we got another vocational expert,
9 isn't it possible that they would make a
10 different determination than you made?

11 A. Anything is possible but I highly doubt
12 it.

13 Q. So then how can we replicate your
14 determination here with respect to the
15 methodology in your field of study?

16 A. I guess by obtaining your own assessment
17 from another expert.

18 Q. As you just conceded, the other expert
19 might come out on a different determination upon
20 that judgment call, correct?

21 A. It's quite possible --

22 MS. PRIMAVERA: Objection.

23 A. -- but highly unlikely.

24 Q. You said you made a determination that
25 Ms. Fischman did not experience the type of event

1 R. Wexler - Confidential

2 that involved injury, did I get that correct?

3 A. Physical or -- you know, more of a
4 physical or illness injury of some kind, yes.

5 Q. What about mental illness?

6 A. Well, there was nothing in the records
7 that indicated that she suffered mental illness,
8 inability to perform her work. There's always a
9 possibility that someone was depressed or unhappy
10 about the way they departed from a job but we
11 seen that many times -- I have at least -- and
12 those people are more than capable of starting to
13 plan and execute a job search.

14 Q. When you say -- what's the basis for
15 your statement that people who have experienced
16 emotional distress or mental distress in
17 connection with the termination of their
18 employment are, quote, more than capable of
19 pursuing a job search?

20 MS. PRIMAVERA: Objection.

21 A. I didn't say all of them. But unless
22 there are records or statements to the effect
23 that this had that type of effect and that there
24 is medical records or statements to support it,
25 then, yes, I would have to go on the assumption

1 R. Wexler - Confidential

2 that she was capable of doing so.

3 Q. So that's an assumption, correct?

4 A. It's a professional assumption based on
5 the information that I have, sir.

6 Q. Well, the information that you had
7 included the amended complaint in this action,
8 correct?

9 A. Yes, it did.

10 MS. PRIMAVERA: Objection.

11 Q. Did you review the amended complaint?

12 A. I did.

13 Q. If you reviewed the amended complaint,
14 do you know whether Ms. Fischman alleges
15 emotional distress in connection with her claims
16 against Mitsubishi?

17 A. Yes, she did but it was not quantified
18 and neither did it talk about how it affected her
19 ability to transact different activities and/or
20 able to perform activities of daily living or
21 even to execute other types of plans.

22 Q. Okay. Do you have any medical expertise
23 in assessing emotional distress?

24 A. I rely on medical practitioners to do
25 that when medical records and examinations are

1 R. Wexler - Confidential

2 performed.

3 Q. You did not rely on any medical records
4 in this case, did you?

5 A. None was provided.

6 Q. Did you request medical records?

7 A. No, I did not.

8 Q. Why did you not request medical records?

9 A. Because Ms. Fischman had demonstrated
10 her ability to at least perform some activities
11 of a job search and, obviously, she was able to
12 do so -- some. But no, I did not. Neither
13 did -- was there any indication that medical
14 records were available that described the
15 limitations on her functional work capacity such
16 that she could not perform a job search.

17 Q. But to be clear you didn't request
18 any such records?

19 A. No, I did not.

20 Q. Sitting here today you don't know
21 whether any such records exist, do you?

22 A. That is correct.

23 Q. If you were provided with medical
24 records, can that change the outcome of your
25 determination?

1 R. Wexler - Confidential

2 MS. PRIMAVERA: Objection.

3 A. Depending on what the records describe
4 and how they're -- depending on the medical
5 records and statements from a treating
6 physicians.

7 Q. If you were presented with statements
8 from treating physicians that indicated that Ms.
9 Fischman suffered from severe emotional distress,
10 severe depression, severe anxiety; would that
11 change your opinion?

12 MS. PRIMAVERA: Objection.

13 A. That depends.

14 Q. What does it depend upon?

15 A. It depends on the statements, the
16 descriptions on how it limited her day-to-day
17 activities, how it affected her longer term
18 learning. It is not unusual that that kind of
19 stress may affect somebody more so in a short
20 term as they move forward into their other plans
21 and life plans. But this is all speculative at
22 best, Mr. Berman, because I have no records.

23 Q. Would the transferable skills analysis
24 normally include examination of work samples?

25 A. It might it depends. I don't need -- I

1 R. Wexler - Confidential

2 mean, the work samples could be anything from
3 writing, to work samples. In this case, in a
4 vocational evaluation setting, probably the work
5 samples have to do with samples of work task that
6 involve fine hand manipulation, ability to follow
7 instructions, things of that nature. I do
8 believe Ms. Fischman was in a more sophisticated
9 role than that required.

10 Q. You didn't look at any work samples for
11 Ms. Fischman, did you?

12 A. Well, she -- you know, she had been
13 performing very well as it appeared and her
14 resume was well-written. So, no, I saw no work
15 samples, no.

16 Q. You didn't read any of her writing
17 samples, did you?

18 A. No.

19 Q. You didn't read any of her legal
20 research, did you?

21 A. No.

22 Q. You wouldn't be qualified to evaluate
23 her legal writing anyway, would you?

24 A. Not entirely, no -- although I can
25 understand if it was well-written.

1 R. Wexler - Confidential

2 Q. You wouldn't know if it was correct or
3 incorrect, right?

4 A. No. As we discussed, I'm not an
5 attorney.

6 Q. The same with respect to her legal
7 research, right?

8 A. Yes, that's correct.

9 Q. And you don't have any information about
10 Ms. Fischman's interpersonal actions with
11 clients, do you?

12 A. No, I do not have any firsthand
13 experience or documentation about that.

14 Q. You concluded on page 13 of your
15 report -- which I think we looked at
16 previously -- that Ms. Fischman had markedly
17 significant transferable skills that positioned
18 her as a competitive candidate for positions as a
19 chief legal officer, counsel, lead corporate or
20 general corporate counsel, correct?

21 A. Yes.

22 Q. That doesn't include any executive
23 roles, does it?

24 A. No.

25 Q. Didn't you also opine that Ms. Fischman

1 R. Wexler - Confidential

2 could have sought employment as an executive?

3 A. Well, she could. I mean, that's always
4 an option open to an attorney but we decided
5 to -- I focussed on her legal employment more
6 than anything else.

7 Q. In your view, should executive jobs be
8 eliminated for consideration for suitable
9 employment for Ms. Fischman?

10 A. We did pretty -- depending on how the
11 job is worded, it may or may not be suitable. We
12 did eliminate the chief legal officer counsel
13 job -- especially for companies for employers of
14 a significant size. You know, you can have any
15 job title in a company with fewer than 15
16 employees or 10 or as many as 30,000, you know, it
17 just depends. So your qualifications may be more
18 or less appropriate for those positions.

19 Q. I'm asking you specifically about
20 executive positions right now.

21 Is it your view Ms. Fischman -- that Forensic
22 JobStats' positions for executives should be
23 eliminated as potential suitable employment for
24 Ms. Fischman?

25 A. Not necessarily. It depends on the

1 R. Wexler - Confidential

2 nature of the job and how it's described. There
3 are many individuals with legal experience who
4 undertake executive level jobs.

5 Q. Would a chief executive officer
6 possession be suitable for Ms. Fischman in your
7 view?

8 A. A CEO, no.

9 Q. What about a chief technical officer?

10 A. Likely not, no.

11 Q. What about a chief investment officer?

12 A. No.

13 Q. So there's a panoply of executive level
14 skills that would not be considered suitable by
15 Ms. Fischman, correct?

16 A. Right. And I would not have included
17 those in the job postings that I had.

18 Q. If Mr. Staller would have done that,
19 would that be appropriate?

20 MS. PRIMAVERA: Objection.

21 A. I can't comment whether or not
22 Mr. Staller used or did not use certain types of
23 criteria. However, I would have not included
24 CIO, CTO, COO -- maybe a COO -- but not a CEO
25 either.

1 R. Wexler - Confidential

2 Q. Is it fair to say --

3 MR. BERMAN: Withdrawn. I'll move on.

4 Q. Did you rely upon any replicable
5 methodology in determining which of those
6 counsel, lead corporate counsel, or general
7 corporate counsel positions you considered
8 suitable for Ms. Fischman?

9 A. I'm not sure I understand the question,
10 sir, can you rephrase perhaps.

11 Q. Sure. You used a methodology to include
12 or exclude positions that were characterized as
13 counsel or lead corporate or general corporate
14 counsel, correct?

15 A. Yes.

16 Q. Okay. So was there any methodology that
17 you used that we can provide to another expert
18 such they can replicate your work in either
19 including or eliminating these jobs?

20 A. The methodology I used was looking -- as
21 I described previously, was looking at the
22 various tasks and responsibilities in those jobs
23 and how they fit Ms. Fischman's qualifications,
24 knowledge, skills and experience.

25 To a certain degree, some of the job's

1 R. Wexler - Confidential

2 titles may be less appropriate, as I mentioned
3 before, depending on the size of the company. If
4 it's a chief legal officer that's global in
5 nature and had a lot of supervisory and
6 management responsibilities and legislative
7 responsibilities, that may not be as appropriate
8 for Ms. Fischman as a similar role with a smaller
9 company.

10 Q. Have you completed your response?

11 A. Pretty much.

12 Q. The determination of whether job titles
13 are more or less appropriate, is that a matter of
14 judgment?

15 A. It's not just a job title, it's a job
16 description, sir.

17 Q. Are those two things a matter of
18 judgment?

19 A. To a certain degree and also there in
20 black and white, there is her resume and there
21 are the job titles and there are the descriptors.

22 Q. You didn't use something such as a
23 standardized occupational code in making your
24 determination, did you?

25 A. No, that's not as useful for these

1 R. Wexler - Confidential

2 particular jobs. No, it's not.

3 Q. You didn't use a standard industrial
4 classification either, did you?

5 A. A Standard industrial classification is
6 just for lawyers. Lawyers is a very wide range
7 of position so no. We did use the SOC codes to
8 identify these jobs and then it was our job to
9 sift through those and see which ones were a more
10 likely fit.

11 Q. So how can I replicate your work in
12 using the SOC codes to identify the jobs that
13 were included?

14 MS. PRIMAVERA: Objection.

15 A. I think you would have to go through the
16 same process that I did.

17 Q. Is there something that you can provide
18 to me so that I can replicate your work in
19 identifying those SOC codes and sorting the jobs
20 on the basis of those codes?

21 A. As I said, the SOC codes for attorneys
22 generally tends to be fairly specific -- so these
23 are lawyers. Then you have to go through the job
24 descriptions and use knowledge and experience to
25 understand how there is a good fit.

1 R. Wexler - Confidential

2 Q. So do we agree that you used subjective
3 factors to make those determinations?

4 MS. PRIMAVERA: Objection.

5 A. No, I don't agree with that.

6 Q. Well, were there objective factors that
7 you used that didn't --

8 A. Yes.

9 Q. -- that didn't require a exercise of
10 judgment?

11 A. Everything requires some exercise of
12 judgment. And, yes, if I were to look at a line
13 of text about a particular job, task,
14 responsibility, et cetera, and then I were to
15 compare that to what Ms. Fischman had described
16 in her resume about her job, which she described
17 in some detail in the different areas she had
18 experience in, I don't consider that to be
19 subjective. Those are keywords that appear in
20 both.

21 Q. I'm making a somewhat different point --
22 and perhaps I should clarify my question.

23 In the event that you had used specific
24 occupational codes or industrial classifications,
25 those were all contained on the lists, right?

1 R. Wexler - Confidential

2 A. Yes, and they were used. Forensic
3 JobStats -- that's only way we can pull the data
4 is using the SOC codes.

5 Q. Right. In order for me to have an
6 expert replicate your work, I would have to have
7 a list of the SOC codes or standard industrial
8 classification codes that you used or didn't use,
9 correct?

10 A. Yes, more than likely or they could do
11 that themselves. It's fairly common.

12 Q. Well, if they did it themselves, they
13 might not exactly replicate your work, correct,
14 they might make different determinations as to
15 which codes to include or exclude, correct?

16 A. That's true, they could include other
17 codes, et cetera. They could broaden their
18 search and make it even wider.

19 Q. So isn't it correct that the only way
20 that I can replicate your work or I can have one
21 of my experts replicate your work is if you
22 provided me with the codes?

23 MS. PRIMAVERA: Objection.

24 A. You can do that.

25 Q. But you haven't provided us with the

1 R. Wexler - Confidential

2 codes used as part of your report, have you?

3 A. No, I have not.

4 Q. At the time of Ms. Fischman's

5 termination, how old was she?

6 A. She was 49.

7 Q. Did you factor her age into the

8 determination as to whether she was competitive

9 for a corporate professional position?

10 A. Yes.

11 Q. Is there a relationship between age and

12 competitiveness?

13 A. Yes, there is.

14 Q. What's the nature of that relationship?

15 A. As one approaches their mid to late 50s,

16 their competitive position can diminish to a

17 certain degree depending on the role -- if

18 they're looking for work in a corporation, for

19 example, even at 55 they still have a good what

20 we would call "runway" i.e., future work years to

21 still make a positive contribution and be able to

22 use their knowledge and experience to both mentor

23 those on their team or consult internally and

24 externally, manage projects, et cetera. But --

25 Q. Is there -- sorry, go ahead.

1 R. Wexler - Confidential

2 A. -- 49 is considered to be a mid
3 vocational age, even today, and competitive.

4 Q. Is there any particular literature that
5 you're relying upon for the determination that 49
6 is mid vocational age?

7 A. I would have to check that out. I do
8 know that it is -- I believe, the Bureau of Labor
9 Statistics also incorporates those numbers
10 starting at 85 -- sorry -- 55 they will start
11 addressing that as a somewhat later vocational
12 age.

13 Q. Under vocational concerns on page 13 of
14 your report -- it should be the same page, do you
15 see that?

16 A. I do.

17 Q. So what's the factual basis for your
18 determination that during Ms. Fischman's startup
19 years in real estate she would likely earn
20 significantly less income. You don't cite any
21 work there.

22 A. No, I don't. This is basic -- well,
23 first of all, I looked at the two different
24 databases for what sales agents would earn in the
25 Westchester area or New York metropolitan region

1 R. Wexler - Confidential

2 and it would -- \$1000,000 per year would be at
3 the very high end -- of course, she's in affluent
4 area, I would think sales commission would be
5 higher as well. In my experience in evaluating
6 other people who have been brokers, agents in
7 real estate and conducting my own labor market
8 research, I've told time and time again that not
9 only does it require 100 percent of effort and
10 time but it takes time to build your client base
11 to get referrals, to seek referrals so that you
12 both get commissions for both, sales and
13 buyers -- the seller and the buyer and/or that
14 you can do it just by working with buyers. I
15 mean, there are a lot of different ways to make
16 money in real estate but it takes time to get
17 there. Especially if you had limited or no
18 experience before.

19 Q. Have you completed your response?

20 A. I have.

21 Q. You don't reference any of these
22 databases that you just cited for your real
23 estate knowledge in your report, do you?

24 A. No, I don't.

25 Q. How can I replicate your understanding

1 R. Wexler - Confidential

2 of the lengthy earning capacity for someone in
3 real estate?

4 A. I can provide the databases I that
5 referenced.

6 MS. PRIMAVERA: Objection.

7 Q. With respect to the rest of it that you
8 said you consulted with others -- I'm
9 characterizing your testimony, so please correct
10 me if I'm mischaracterizing it -- but I believe
11 you told me that you were relying upon what had
12 been conveyed to you by others in the real estate
13 field; did I get that right?

14 A. Yes.

15 Q. So that determination is not based on
16 your own firsthand knowledge, is it?

17 A. Well, I -- as a professional
18 employability evaluator, is it my role to conduct
19 labor market research, which often means going to
20 others in the field who own those companies, who
21 have been in it for a while so that they can
22 educate me or keep me up to date on what's going
23 on in the real estate -- residential real estate
24 industry and in a particular region. It's my job
25 to stay up to date with that with every case.

1 R. Wexler - Confidential

2 Q. Have you completed your answer?

3 A. I have.

4 Q. Ms. Wexler, I want to be very clear, I'm
5 not questioning your knowledge and ability as a
6 vocational professional, okay?

7 A. Okay.

8 Q. Do you understand that you're testifying
9 in this case as an expert under the Federal rules
10 of evidence?

11 A. Yes.

12 Q. Do you understand that the definition
13 under Federal rules of who is an expert that can
14 provide testimony may be different than the
15 definition of someone who is capable to provide
16 advise to other professionals in the vocational
17 area?

18 MS. PRIMAVERA: Objection.

19 Q. Do you understand the question?

20 A. I do but it is also my understanding it
21 is my role as an expert to rely on that as well.
22 And in my role, that type of hearsay, if you
23 will, is admissible.

24 Q. Okay. So we might have different views
25 of the role of an expert in litigation in Federal

1 R. Wexler - Confidential

2 court. Pursuant to the Federal rules, there are
3 requirements as to what must be contained within
4 the report of a testifying expert, are you aware
5 of that?

6 MS. PRIMAVERA: Objection.

7 A. Yes.

8 Q. So you understand that, for instance,
9 you have to provide a complete statement of all
10 opinions that you will express and the basis and
11 reasons for them?

12 A. Yes.

13 Q. Are you aware that you also have to
14 identify the facts or data considered in forming
15 your opinions?

16 A. Yes.

17 Q. So there are several items that I
18 already identified that you have expressed to me
19 that you've relied upon that are not contained
20 within your expert report --

21 MS. PRIMAVERA: Objection.

22 Q. -- so how can I obtain those things that
23 are not included?

24 A. (No verbal response.)

25 Q. So, for example, two data bases you just

1 R. Wexler - Confidential

2 referenced under your vocational concerns, the
3 database that you claim to have relied upon or
4 the sources of secondhand information that you
5 claim to have relied upon in reaching the
6 determination that \$100,000 in annual earnings is
7 at the high end of a potential realtor's earning
8 capacity. How can I double check that?

9 A. By my providing those databases.

10 Q. But you haven't done so yet, correct?

11 A. As of yet.

12 Q. Now as part of your vocational analysis
13 of Ms. Fischman's potential earnings in the real
14 estate field, did you take into consideration
15 that she has immediate family that already
16 practitioner in that field?

17 A. Yes.

18 Q. How did you factor that in?

19 A. That she could likely begin to start
20 faster than somebody else but it's speculative at
21 best while she has family members in there, I
22 don't know whether they're going to share
23 compensation with her, share commissions. I
24 don't know whether or not they're going to
25 introduce her or show her how to get other types

1 R. Wexler - Confidential

2 of roles. I'm not saying she can't accelerate
3 that process. I think she made it quite clear
4 with her mother an icon in the real estate
5 business in the Scarsdale area is a good head
6 start -- but who knows. And no compensation was
7 provided to me about what she has earned thus far
8 as an agent.

9 Q. Did you ask for it?

10 A. I relied on counsel to ask for it. I
11 believe that it was their intention but I don't
12 know.

13 Q. I asked you whether you asked for
14 compensation information about Ms. Fischman, did
15 you ask for that?

16 A. I asked for compensation about the
17 Mitsubishi compensation but not for the real
18 estate because at the time that this was written
19 she was still fairly new in it.

20 Q. So, if you were told that she earned in
21 excess is of \$200,000 a year, would that change
22 your opinion?

23 A. It might if she did. And I don't know
24 if she earned that gross or net.

25 Q. Are you familiar with the difference in

1 R. Wexler - Confidential

2 real estate between gross and net income?

3 A. Yes.

4 Q. Are you an expert on that?

5 A. No.

6 Q. What's the basis of your knowledge?

7 A. Because I would want to know -- because
8 I looked at it before and I worked with -- I
9 evaluated other brokers -- and she's an agent and
10 not broker from what I understand -- that in
11 terms of their expenses and how the commission
12 the divvied up and a whole bunch other things.
13 So it's hard to say.

14 Q. And you also understand that there is a
15 variation in you how the commission splits are
16 determined, correct?

17 A. Definitely.

18 Q. It ranges between -- there's a broad
19 range of what possible splits are, correct?

20 A. That's right.

21 Q. And it's also possible that will have to
22 be split with other brokers, correct?

23 A. Oh, sure.

24 Q. For example, a commission may have to be
25 split between both a buyer's representative and a

1 R. Wexler - Confidential

2 seller's representative?

3 A. Absolutely.

4 Q. Does it also factor in the deductions
5 for the expenses of things such as advertising,
6 correct?

7 A. That's what I meant about gross and net,
8 yes.

9 Q. Also marketing, correct?

10 A. That's right.

11 Q. Is it fair to say those are material and
12 significant expenses for a realtor?

13 A. It depends if you're also doing other
14 things; staging, that you might observing the
15 course for versus the seller. There are many
16 different ways that splits can take place.

17 Q. If I asked you this before, please let
18 me know and I'll move on.

19 Are you familiar with the legal standard
20 applicable to a plaintiff's duty to mitigate
21 damages?

22 MS. PRIMAVERA: Objection.

23 A. Yes, you did ask that before.

24 Q. Can you relate to me your understanding
25 what duty a plaintiff has to seek a job?

1 R. Wexler - Confidential

2 MS. PRIMAVERA: Objection.

3 A. They have a duty to seek a job with --
4 and to demonstrate that they have done so. The
5 demonstration can be vis-a-vis recollections but
6 more than likely in terms of documentation where
7 they -- it's my understanding that they're
8 required to produce. The standard for that may,
9 as we have discussed before, be somewhat
10 different than what our field -- my professor --
11 regards as a diligent job search. This is why I
12 give a range with the amount of effort that goes
13 into a job search.

14 Q. Do you know whether a plaintiff has an
15 obligation to go into another line of work?

16 A. They don't necessarily have that
17 obligation. They can chose to and a line of work
18 may be somewhat different, it doesn't need to be
19 identical.

20 Q. Okay. Are they obligated to accept a
21 demotion?

22 MS. PRIMAVERA: Objection.

23 MR. BERMAN: I'll accept a standing
24 objection to this line of question, is that
25 okay?

1 R. Wexler - Confidential

2 MS. PRIMAVERA: Okay.

3 Q. Is a plaintiff whose -- is there a
4 requirement for a job searcher to accept a
5 demotion?

6 A. They're not obligated to accept a lesser
7 job but, of course, the lesser is arbitrary.

8 Q. Well, there might be an objective basis
9 for determining one job is lesser than another,
10 correct?

11 A. That is true.

12 Q. So, for instance, some jobs pay less
13 than other, correct?

14 A. Yes. But my understanding is that
15 individual in an effort to make some effort to
16 lessen -- well, mitigate damages can be held to
17 accept a job that might be somewhat less. I'm
18 not talking about a great degree of less, which
19 is why we eliminated certain jobs that I've
20 identified because it was way too less.

21 Q. They're not required to take a demeaning
22 job, correct?

23 A. No, they're not required to take a
24 demeaning job.

25 Q. Or to apply to jobs that they're

1 R. Wexler - Confidential

2 unqualified for, right?

3 MS. PRIMAVERA: I understand that this
4 is a standing objection to this line of
5 questioning. I mean, she's not here
6 testifying as an attorney and these are all
7 calling for legal conclusions.

8 MR. BERMAN: I understand your
9 objection. I'm accepting your objection but
10 I'm going to apply it in a moment, okay?
11 That's my proffer to you.

12 Q. Do we agree that they're not obligated
13 to apply for jobs they're unqualified for?

14 A. They may not be fully qualified for.
15 They may have some degree of qualifications so
16 that, Mr. Berman, I think is a little bit
17 speculative.

18 Q. Can we agree that the standard is one of
19 reasonableness at least in respect to the legal
20 standards that apply?

21 A. I will accept that reasonableness should
22 be one of the criteria.

23 Q. And you've opined on reasonableness,
24 correct?

25 A. Yes.

1 R. Wexler - Confidential

2 Q. Your version of reasonableness may not
3 be identical to the legal standard of
4 reasonableness, correct?

5 A. That could be true.

6 Q. So, for instance, in your determination
7 as to the reasonableness of plaintiff's job
8 search, did you factor there in that it might not
9 be suitable for Ms. Fischman to into another line
10 of work?

11 MS. PRIMAVERA: Objection.

12 Q. In other words, did you eliminate job
13 opportunities in other lines of work?

14 A. We pretty much confined out search -- we
15 decided to look at the parameters in the legal
16 profession because that is where she would be
17 more or most competitive to find employment more
18 quickly and closer to her prior level of
19 compensation.

20 Q. Okay. Did you eliminate lesser jobs?

21 A. We eliminated quite a few lesser jobs,
22 some may have come through but quite a few were
23 eliminated.

24 Q. You continue eliminate lesser
25 compensating jobs because, as you testified

1 R. Wexler - Confidential

2 earlier, 95 percent of the listings didn't
3 include that, correct?

4 A. Right. And sometimes the compensation
5 may be something that an employer has in mind but
6 could be more flexible when they meet the right
7 person.

8 Q. Do you know what Ms. Fischman's rate of
9 compensation was in her last job at Mitsubishi?

10 A. \$230,000 a year from what I understand.

11 Q. Do you know what proportion of jobs
12 listed for attorneys in Forensic JobStats pay
13 less than that?

14 A. I can't really tell you at this time.

15 Q. You didn't factor that into your
16 analysis, did you?

17 A. It would be very difficult to do so.

18 Q. Thank you. Doesn't it take longer for a
19 person over 40 to find a job?

20 A. As compared to a 25 year old, yes.

21 Q. Did you factor that into your analysis?

22 A. No, because we also looked at -- well
23 yes and no, we also had a reasonable expectation
24 about what -- from statistics from the Bureau of
25 Labor Statistics, the US Department of Labor,

1 R. Wexler - Confidential

2 what a reasonable amount of time would be for
3 someone to find a job particularly in a
4 management role, and a management role by and of
5 itself implies someone in their late 30s to 50s
6 and that was still approximately 15 to 18 weeks.
7 So age 40 is still considered to be a pretty
8 competitive employment age.

9 Q. Ms. Fischman wasn't a manager, was she?

10 A. No, she was a professional -- a high
11 ranking professional.

12 Q. Does age bias impact the length of a job
13 search?

14 MS. PRIMAVERA: Objection.

15 A. It can -- I do want -- I do want to add
16 that management piece that I just mentioned from
17 Bureau Labor Statistics included professions, not
18 necessary only management.

19 Q. Have you completed your answer?

20 A. Yes. And that last question was --

21 Q. Does age bias the length of a job
22 search?

23 A. Yes, it will.

24 Q. Don't you factor that in?

25 A. For Ms. Fischman to a limited degree,

1 R. Wexler - Confidential

2 she still was a competitive applicant for someone
3 at her level of employment.

4 Q. Does gender bias impact the length of a
5 job search?

6 A. It can.

7 Q. Did you factor that into your analysis
8 of the expected duration of Ms. Fischman's --

9 A. Yes.

10 Q. How did you factor that in?

11 A. Assuming because I gave a range. Like I
12 said, it would be between six to twelve months so
13 that would absolutely factor age, gender --

14 Q. You said six to twelve months?

15 A. Yes.

16 Q. Are you familiar with applicant tracking
17 systems?

18 A. Yes, I am.

19 Q. Do those screen candidates out based
20 upon computerized determinations?

21 A. Yes, I'm very familiar with that.

22 Q. Don't some of them screen based upon
23 age?

24 A. I'm sure they might but it doesn't
25 necessarily mean that age was indicated in the

1 R. Wexler - Confidential

2 application.

3 Q. But there are mother proxies for age
4 that might be indicated in the application,
5 correct?

6 A. That could be.

7 Q. Did you factor that into your analysis
8 of duration of unemployment?

9 A. Yes.

10 Q. How did you factor that in?

11 A. Again, with six to twelve months. I
12 also expected that Ms. Fischman would have
13 applied to jobs through networking that would not
14 have required going through an applicant tracking
15 system but more of personal referral.

16 Q. That's an assumption, correct?

17 MS. PRIMAVERA: Objection.

18 A. That is something I would have expected
19 a job applicant to do.

20 Q. It's an expectation, correct?

21 A. It is a significant expectation because
22 that's the way people find jobs. The higher
23 level of jobs, the more likely you are to find
24 them through networking introductions, referrals
25 and meetings versus an online application system.

1 R. Wexler - Confidential

2 Q. In evaluating Ms. Fischman's job search
3 efforts, you relied exclusively upon the
4 documentation provided to you, correct?

5 A. That is true.

6 Q. Isn't it also true that an applicant can
7 fall into a black hole in one of these applicant
8 tracking systems such as they don't receive a
9 record of their employment application?

10 MS. PRIMAVERA: Objection.

11 A. Well, the black hole may be more tied to
12 if they didn't get a response that they made that
13 application. But most of these job posting
14 systems applicant tracking systems have the
15 ability for someone to take a screen shot or get
16 some sort of confirmation that their application
17 has been made and sent.

18 Q. Okay. Are you aware that you testified
19 in Downing matter that there are instances where
20 an applicant may not get an acknowledgement of
21 the application or hear anything back from the
22 employer?

23 A. That's a different than not having
24 record of making an application. Yes, I am
25 familiar with that statement.

1 R. Wexler - Confidential

2 Q. Your position hasn't change since then,
3 has it?

4 A. No. Let me clarify, sir, I'm talking
5 about having a record of an application that's
6 made through your own personal history is
7 different than expecting to receive a response
8 from an employer.

9 Q. Again, you didn't factor in Ms.
10 Fischman's testimony -- her verbal testimony
11 concerning what job she applied to, correct?

12 A. No. At the time of my report no
13 testimony had been taken.

14 Q. So would you opinion as to the adequacy
15 of Ms. Fischman's job search change based upon
16 her testimony?

17 A. Depends upon her testimony.

18 Q. Didn't you testify earlier today that
19 when an applicant has not conducted a job search
20 in a number of years it impacts the duration of
21 their unemployment?

22 MS. PRIMAVERA: Objection.

23 Q. Did I mischaracterize your testimony?

24 A. You didn't include all of it, which is
25 it depends on the length of the duration of

1 R. Wexler - Confidential

2 unemployment.

3 Q. Did you factor in that Ms. Fischman
4 hadn't done a job search in many years?

5 A. Yes, 10 years or so, you know, because
6 she went from Raytheon to Mitsubishi. Yes, I
7 factored that in.

8 Q. Did you factor in that she did not have
9 a job reference?

10 A. Yes, although interestingly enough on
11 LinkedIn she did have individuals who would, you
12 know, that stood up for her, so to speak, of
13 giving her a positive review.

14 Q. Were any of those individuals employed
15 by Mitsubishi?

16 A. I don't believe so but I can't recall.

17 Q. Did you factor in she that didn't have a
18 job reference from anyone at Mitsubishi?

19 A. No, I don't if she sought and made any
20 effort to get a job reference from someone who
21 was a colleague, maybe not a supervisor, or
22 someone to whom she directly reported at
23 Mitsubishi. There are ways to work around it.

24 I, as a recruiter, I work with many individuals
25 who lost work -- their employment and needed to

1 R. Wexler - Confidential

2 find ways to get references.

3 In addition, please note, many companies
4 do not give direct references anymore other than
5 to say, you know, what your period -- you know,
6 they're legally bound so they don't give them.

7 Q. I'm an employment lawyer so I'm aware of
8 the subject matters that you're discussing.

9 But you don't know one way or the other
10 whether Ms. Fischman had any kind of reference
11 available to her from Mitsubishi, correct?

12 A. Nor do I know if she sought them.

13 Q. That's not factored into your analysis,
14 is it?

15 A. It is factored into the analysis in
16 terms of the length of time I thought it would
17 take. And I also would have expected her to, as
18 you mentioned, she had not looked for a job for a
19 while, so I would have expected her to consult
20 with recruiters or a career advisor to get that
21 back on track in today's world.

22 Q. Okay. As a recruiter wouldn't you see
23 it as a red flag if someone came to you with no
24 job references from the employer where they had
25 worked for the last 10 years?

1 R. Wexler - Confidential

2 MS. PRIMAVERA: Objection.

3 A. As a recruiter I would be considered
4 about that. I also know those people are still
5 placeable.

6 Q. Well, what percentage of candidates that
7 seek employment through a recruiter get placed by
8 the recruiter --

9 MS. PRIMAVERA: Objection.

10 Q. -- do you know anything about that?

11 A. I can't possibly answer that question,
12 it is far too broad.

13 Q. When you say they're still placeable,
14 you mean there is still a possibility of
15 placement, correct?

16 A. Yes.

17 Q. But you can't speak to the likelihood of
18 placement, correct?

19 MS. PRIMAVERA: Objection.

20 Q. Do you understand the distinction?

21 A. I understand the distinction. It is
22 possible. How likely? Fairly likely given her
23 experience. I seen people rewound from negative
24 terms under which they lost their employment
25 before and find new employment.

1 R. Wexler - Confidential

2 Q. Okay. We agreed anything is possible.
3 What I'm asking you is whether there's any way to
4 quantify how possible it is, how likely it is,
5 how probable it is?

6 A. I can't do that. I'm not sure if a
7 legal recruiter can do it that well either.

8 Q. Can a vocational expert do that?

9 A. All we can do is the possibilities and
10 the and likelihoods and she was a very
11 experienced professional who had good skills to
12 take to another company. Maybe not a major
13 corporation like she was employed with but --

14 Q. You haven't identified the probability
15 that she can find suitable employment in your
16 report, have you?

17 MS. PRIMAVERA: Objection.

18 A. I did say it would take her about six to
19 twelve months, which encompasses all of these
20 negative factors that you have --

21 Q. But that assessment that it would take
22 her between six and twelve months, that's not
23 based upon a statistical measure involving a
24 confidence interval, is it?

25 A. No, it is not.

1 R. Wexler - Confidential

2 Q. You can't tell me that I'm 95 percent
3 sure that she would have found a job within X
4 amount of time, can you?

5 MS. PRIMAVERA: Objection.

6 A. I don't have a statistical substance for
7 that. But I feel within a 95 percent, 90 percent
8 certainty that she would have found a job within
9 that six to twelve months that would have been of
10 competitive compensation.

11 Q. But that's based upon your feeling and
12 your judgment, not upon statistical science,
13 contribute?

14 MS. PRIMAVERA: Objection.

15 A. It's based upon my judgment, my
16 experience and it is not statistically based.

17 Q. Thank you. Doesn't it make more
18 difficult for someone who has filed a public
19 discrimination lawsuit to seek employment?

20 A. Yes, the public statement on that does
21 make it more difficult.

22 Q. Did you factor that into your analysis?

23 A. Yes, I did.

24 Q. How did you factor that in?

25 A. That it was going to take that many more

1 R. Wexler - Confidential

2 relationships, that many more referrals,
3 introduction, networking. I considered that the
4 networking was going to be even more important
5 for her to be able to get an introduction to a
6 potential opportunity because it would be a
7 personal introduction and could somewhat mitigate
8 that risk -- that employer perceived risk.

9 Q. Doesn't mental health also impact the
10 ability of a person to find a job?

11 A. Yes, depending on the degree. And
12 that's why working with professionals can be very
13 useful if in this matter.

14 Q. So with respect to all these questions,
15 don't these require an individualized inquiry of
16 the particular candidate and their prospects for
17 employment?

18 MS. PRIMAVERA: Objection.

19 Q. Each person will have been a different
20 degree of mental health, a different age, a
21 different set of knowledge, skills and abilities
22 and all these other factors that you looked at
23 such as references, et cetera, correct?

24 A. Yes, that's true.

25 Q. So when you're opining in your expert

1 R. Wexler - Confidential

2 report, aren't you opining about job prospects
3 for a candidate in general?

4 MS. PRIMAVERA: Objection.

5 A. Well, I'm -- not in general specific to
6 that person.

7 Q. In your analysis of the duration of
8 unemployment in your expert report, did you rely
9 upon the BLS statistics, the Bureau of Labor
10 Statistics?

11 A. I incorporated that. It was a pretty
12 aggressive statistic, it indicated the
13 possibility of -- the median, I should say, was
14 18 weeks.

15 Q. Are you familiar with the underlying BLS
16 data?

17 A. Yes. In what way are you referencing?

18 Q. Do you know whether BLS statistics
19 consider compensation?

20 A. They look at management levels, they
21 look at gender, they look at age, they combine it
22 together. Some of it can be somewhat distorted
23 because they might be comparing it to someone who
24 is somewhat younger, who was in a much lower
25 paying position and that's why we tend to look at

1 R. Wexler - Confidential

2 what I describe as the management of professional
3 level and to see what the median is for that.

4 Q. I asked you a more specific question. I
5 asked you whether the BLS statistics consider
6 compensation?

7 A. No, I believe it's basically just on the
8 SOC codes and you know the position.

9 Q. Thank you. Do they consider the
10 applicant pool?

11 A. That I'm not sure. I know they look at
12 the number of people that are employed in those
13 professions or occupations and then take a look
14 at that as well.

15 Q. Do they look at the demographics of the
16 population that you just described?

17 A. The demographics -- they do have other
18 statistics that look at those demographics.
19 However, in this case, they would -- when we came
20 up to the management, again, more professional
21 level of positions, they did not -- well, they do
22 indicate it further down on the list as to
23 whether they're white, black, Hispanic, et
24 cetera. But, of course, those latitudes do not
25 apply to Ms. Fischman.

1 R. Wexler - Confidential

2 Q. Ms. Wexler, do the BLS statistics for
3 duration of unemployment include the demographics
4 of the applicant pool?

5 A. The demographics of the applicant pool,
6 no, not necessarily.

7 Q. Do they include whether the jobs were
8 posted internally or externally?

9 A. No, they do not.

10 Q. Do they include whether the role was
11 filled or unfilled?

12 A. No, they do not to the best of my
13 knowledge.

14 Q. Do they include how the role was filled?
15 For example, internally, externally or via a
16 recruiter?

17 A. No, they don't.

18 Q. Do they include who filled the role,
19 including, for example, their age, sex or whether
20 they had filed a public claim of discrimination?

21 A. No, they would include the later. Age
22 and sex, yes.

23 Q. Do they include mental health?

24 A. No, they don't.

25 Q. Are you aware that you testified

1 R. Wexler - Confidential

2 previously that the BLS statistics do not include
3 age or sex?

4 A. Well, certain -- some of the statistics
5 do.

6 Q. I'm talking about the statistics
7 utilized in the duration of unemployment
8 analysis?

9 A. Yes, they do. I know that they -- we
10 looked at that before and the duration -- the
11 age -- there are different charts that you can
12 reference -- there are different databases and
13 one of them will consider age and sex. But
14 they're broken down differently.

15 But when it comes to the higher level
16 role of professional employment, they generally
17 do not include those two components. You have to
18 break them out.

19 Q. Including or excluding the jobs from
20 Forensic JobStats, did you exclude jobs for which
21 Ms. Fischman was overqualified?

22 A. We did our best to do that.

23 Q. What does that mean, you did your best?

24 A. We sampled many of the -- as many of the
25 jobs that we reasonably could and eliminated

1 R. Wexler - Confidential

2 those that we thought were too junior.

3 Q. If there were only 76 jobs in the first
4 year why didn't you look at all 76?

5 A. Well, I looked at some and my associate
6 looked at some.

7 Q. But your associate is not here to
8 testify, correct?

9 A. That is correct.

10 Q. And he's not going to testify at trial,
11 correct?

12 A. No, he is not.

13 Q. All right. You're familiar with the
14 Forensic JobStats' database job postings --

15 A. I'm familiar with the Forensic JobStats'
16 posting and you said something else I didn't
17 catch.

18 Q. I'm just asking -- you're generally
19 familiar with the jobs that are listed in that
20 database, correct?

21 A. Generally, yes.

22 Q. You don't know how they get the jobs in
23 that database, do you?

24 A. Yes, I do.

25 Q. How do you have personal firsthand

1 R. Wexler - Confidential

2 knowledge of how to get those jobs?

3 A. Well, firsthand, they explain the
4 process to me -- I asked them. Do I actually sit
5 with them and go through the computer, no. I
6 give them the SOC codes or in this case Mr. Chad
7 did and were in agreement with that and then we
8 got the report -- we asked for the report
9 directly, which we were granted and we went
10 through it on our own. I didn't sit with them.
11 I mean, we -- you know, normally I've gone
12 through them enough so I know how they go into
13 the database and use those codes to sort through
14 hundreds of thousands of jobs and filter them.

15 Q. I understand that but what I'm asking
16 you -- my intent is to ask you whether you
17 verified that the jobs that were provided to you
18 from Forensic JobStats were actually posted in
19 the real world?

20 A. I would say that Gardener a consulting
21 group for Neuron would stand behind their data.
22 It's posted in the real world, these were posted
23 on job sites with employers as well as different
24 job postings job sites. LinkedIn is not included
25 in it. However, do I know for sure -- can I go

1 R. Wexler - Confidential

2 back in time and see if that actually occurred,
3 no.

4 Q. Did you check whether the jobs that
5 surfaced in your results were actually posted in
6 the real world?

7 A. I didn't go back -- I don't have the
8 capacity to go back to 2017, '18 and '19. The
9 data just simply isn't available to us unless we
10 use tools like this.

11 Q. Even if you had data, you wouldn't be
12 able to determine whether the jobs were posted
13 externally versus internally, correct?

14 A. Yes, a lot of them were posted
15 externally. They came from recruiters, they came
16 from on Indeed. Could I absolutely break those
17 down into percentages about what were internal
18 and external, no.

19 Q. But you also don't have any personal
20 information about how much market penetration any
21 of those job sites have, correct? Like, you
22 don't know, for example, that each of the job
23 sites listed in there are job sites that are
24 routinely used by lawyers in the performance of a
25 job search, correct?

1 R. Wexler - Confidential

2 A. No, I can't necessary -- you know, a
3 good job searcher who is looking online will go
4 to different sites and put in keywords and these
5 will pop up.

6 Q. Are you familiar with the Pareto Rule,
7 80/20 rule?

8 A. Yes.

9 Q. So then is it fair to say, generally
10 speaking, that 80 percent of the jobs that are
11 posted are going to be in 20 percent of the job
12 sites?

13 A. In this --

14 MS. PRIMAVERA: Objection.

15 A. -- in this case I would say that could
16 be the case. I'm not but -- I'm not qualified to
17 say yes or no on that but it captures a lot of
18 them.

19 Q. In fact, the job search market is
20 actually substantially more concentrated than
21 that, isn't it?

22 A. It tends to be.

23 Q. Do you know whether the Forensic
24 JobStats job postings are limited to job boards
25 that have a material portion of the market share?

1 R. Wexler - Confidential

2 A. Well, I think Indeed.com has a material
3 portion because aggregate on a variety of
4 different sites and people post on them directly
5 as well.

6 Q. You don't know whether the references to
7 jobs posted on Indeed.com that are aggregated are
8 duplicative of other entries in the database, do
9 you?

10 MS. PRIMAVERA: Objection.

11 A. We went through the duplicate process.
12 It is possible that a job posted on Indeed.com
13 may be on another site but that was part of the
14 quality process that we were using as well.

15 Q. It is also possible, is it not, it might
16 be that some of jobs that you're referencing in
17 Forensic JobStats' database are listed on job
18 boards that it might not be reasonable to expect
19 a candidate to access, correct?

20 MS. PRIMAVERA: Objection.

21 A. Not really, no.

22 Q. Doesn't the Forensic JobStats' database
23 include a number of esoteric job boards?

24 MS. PRIMAVERA: Objection.

25 A. Just a very few. A lot out them were

1 R. Wexler - Confidential

2 with companies directly -- if Ms. Fischman had
3 been looking at jobs with keywords and job
4 titles, she would have come across. She
5 primarily used, as I recall, LinkedIn, which is
6 one source but not a comprehensive one.

7 Q. Doesn't LinkedIn aggregate other job
8 sources as well?

9 A. No, not really. You have to pay to be
10 on that and they tend not to do that.

11 Q. Have you completed your response?

12 A. So far.

13 Q. Do you know whether Ms. Fischman
14 utilized Indeed.com?

15 A. It does not appear that she did from
16 what I can tell from that data that was given to
17 us. And if she did, it was very minimal.

18 Q. Do you know whether any court has
19 considered whether Forensic JobStats is a
20 reliable database?

21 A. No, I dot not. I do know it's been used
22 frequently but I do not if has -- if there's been
23 a ruling of that or not.

24 Q. So you don't know one way or the other?

25 A. No.

1 R. Wexler - Confidential

2 Q. Would knowledge of whether a court has
3 deemed the Forensic JobStats' board reliable
4 impact your decision to utilize that database?

5 A. It depends on the type of decision, what
6 it applied to, what was context. Many factors go
7 in there. And one court may say no and another
8 may say yes.

9 Q. Are you aware that there's a possibility
10 that your testimony could be challenged under the
11 Federal rules of evidence as being -- that it
12 could be challenged in terms of its admissibility
13 at trial?

14 A. Under what grounds?

15 Q. Are you familiar that a party in a
16 litigation can challenge the testimony of an
17 opposing party's expert?

18 A. I think you need to explain that little
19 bit.

20 Q. Okay.

21 A. I'm not following you.

22 Q. Let's try it a different way. In any of
23 the litigations where you have testified, have
24 you testified at trial?

25 A. Yes.

1 R. Wexler - Confidential

2 Q. Do you know whether your testimony at
3 trial has ever been challenged?

4 A. Of course -- well, under cross for sure.
5 Yes.

6 Q. I don't mean under cross examination. I
7 mean with respect to a motion to exclude your
8 testimony?

9 A. I'm sure there have been some cases with
10 where that has occurred.

11 Q. So you understand that there's a process
12 by which a party can seek to exclude the
13 testimony of a testifying expert witness,
14 correct?

15 A. Of course.

16 Q. And so my question to you is if you are
17 aware that a court had excluded the testimony of
18 a witness who relied upon Forensic JobStats for
19 the reason that the database was not considered
20 reliable, would that change your decision to rely
21 upon that data here in this case?

22 MS. PRIMAVERA: Objection, hypothetical.

23 A. Not only is it a hypothetical but it
24 excludes the other portion of my opinion, which
25 is the diligence of the job search.

1 R. Wexler - Confidential

2 Q. Are you aware that courts in this
3 jurisdiction have excluded the opinions of the
4 type that you're providing here?

5 A. I'm sure there have been cases where
6 that may have occurred.

7 Q. Do you know whether Chad Staller's
8 opinions have ever been excluded?

9 A. No, I have no idea.

10 Q. Do you know whether his opinions relying
11 upon Forensic JobStats have ever been excluded?

12 A. Again, I have no idea.

13 Q. Wouldn't you want to know whether
14 Forensic JobStats have ever been determined to be
15 unreliable before you relied upon them in your
16 expert report?

17 MS. PRIMAVERA: Objection, argumentive.

18 A. Mr. Berman, I'm sure if there were cases
19 like that I would -- it would be helpful to know.
20 But as stated before, it really depends on the
21 context and the other factors that were involved
22 in that decision.

23 THE REPORTER: Can we take a break?

24 MR. BERMAN: Yes. We're almost done.

25 Let's take a quick break and see if we can

1 R. Wexler - Confidential

2 wrap up.

3 (Whereupon, a brief recess was taken.)

4 Q. On page 20 of your report, do you see in
5 the second paragraph there towards the end
6 there's a listing of executive positions included
7 and it goes vice president of business legal
8 affairs, vice president chief privacy counsel,
9 vice president chief legal officer, PGIM, et
10 cetera?

11 A. Yes.

12 Q. What's the basis for including these
13 executive positions as jobs that were suitable
14 for Ms. Fischman?

15 A. Well, the vice president of business
16 legal affairs, depending on size of the company,
17 could be something that she would be applying
18 for. You know, executive positions have a lot to
19 do with the size of the company. She certainly
20 was working as an associate, GC, assistant GC and
21 temporarily as a GC. So she can position herself
22 as someone who could be a reasonable candidate
23 for these positions.

24 I do want to make clear, however, that I
25 don't see these positions necessarily being the

1 R. Wexler - Confidential

2 bulk of her applications or that she would be
3 qualified to be employed in those jobs in major
4 corporations -- really large corporations.

5 Q. Turning to page 22 of the report under
6 "Labor Market Research Results."

7 A. Yes.

8 Q. The second full paragraph under that
9 section says, "Ms. Fischman's records and
10 testimony reflect that she viewed and applied for
11 a total of only 100 jobs between January 2017 and
12 September 2018 as summarized in Appendix D.
13 During this somewhat brief job search, Ms.
14 Fischman could have made 201 applications to
15 potential jobs published during this time.
16 Starting with the date of her separation from
17 Mitsubishi through May 2020, she could have
18 applied to approximately 683 published job
19 openings for which she was highly qualified."

20 Do you see that?

21 A. Yes, I do.

22 Q. Where is the list of 683 job postings?

23 A. They're on a Forensic JobStats
24 spreadsheet that I have that we summarized in the
25 appendices of the report.

1 R. Wexler - Confidential

2 Q. So those haven't been provide to us,
3 correct?

4 A. Not as of yet, no.

5 Q. When you say "summarized," you mean
6 quantified, correct?

7 A. Quantified.

8 Q. There is no material that we can review
9 that would allow us to verify your conclusion
10 that Ms. Fischman was highly qualified for those
11 particular jobs, right?

12 A. Not at this time.

13 Q. With respect to your use of the
14 vocational model we talked about for quite a bit
15 of time already today, is there any indication
16 that you can provide to us to substantiate that
17 your use of this model had been generally
18 accepted by anyone else other than yourself?

19 MS. PRIMAVERA: Objection.

20 A. I'm sure if we looked into case law we
21 can find some.

22 Q. So sitting here today are you aware of
23 any reference material that would show that this
24 methodology has been generally accepted by your
25 community of vocational experts?

1 R. Wexler - Confidential

2 A. I think that this does appear in one of
3 the chapters in the Rick Robinson publication --
4 let me get that out there. Also the Oxford
5 Handbook of Job Loss and Job Search by Oxford
6 University Press, as well as the Rehabilitation
7 Professional. And the other book, was the one I
8 mentioned before, which was edited by Rick
9 Robinson -- hold on just a moment and I'll get --
10 and he is a very highly respected and
11 well-published author about this process and has
12 done so for quite sometime and he published a
13 book as well that I regard as an excellent peer
14 reviewed fact-based model about this -- I wish I
15 can find the name of it. Here it is, Vocational
16 and Rehabilitation Assessment Model, Robinson and
17 Pomeranz, 2011; Robinson and Paquette in 2013.

18 Q. Have you completed your response?

19 A. Yes.

20 Q. In the literature that you just
21 described, what does the word "rehabilitation"
22 pertain to?

23 A. Returning to work -- rehabilitating
24 somebody to be able to return to work. As we
25 discussed previously during our time together,

1 R. Wexler - Confidential

2 the rehabilitation model still serves as at least
3 a model of the process that we go through. Even
4 if rehabilitation is not necessarily the primary
5 focus of the opinion, it's the process that we
6 look at.

7 Q. But there's nothing in the model that
8 compares jobs to other jobs, right?

9 A. They compare the -- they will talk about
10 comparing what's required in those jobs -- the
11 specific elements of those jobs that can be
12 described in the Occupational Handbook, the
13 Bureau of Labor Statistics, the US Department of
14 Labor and then comparing them to the person's
15 qualifications, experience, knowledge and skills.
16 Is it a compare this job to this job type of
17 example, unlikely. It's a process.

18 Q. Have you completed your response?

19 A. I have.

20 Q. And you skipped the step of model that
21 considers impairment relate information, didn't
22 you?

23 MS. PRIMAVERA: Objection.

24 A. No, I did not skip it. There was no --
25 I mean, other than the complaint, there was no

1 R. Wexler - Confidential

2 documentation to support the impairment piece.

3 And, in fact, Ms. Fischman did execute some steps
4 in the job search indicating she knew what to do
5 to a certain degree and did so. It just was a
6 very limited period of time and effort.

7 Q. But performing some steps of a process
8 doesn't necessarily mean you weren't impaired in
9 that process, right? If someone has a walking
10 impairment, they still may be able to walk
11 several steps before their impairment manifests,
12 right?

13 A. Correct.

14 Q. Can we agree that step, the three
15 impairment related analysis, is not included in
16 your expert report?

17 A. I would agree that we considered it and
18 did not consider -- and did not have enough
19 information to be able to say definitively how
20 impaired she was.

21 Q. Okay. So do we agree that that's not in
22 your report?

23 A. It is not in my report.

24 Q. Okay. What about -- we already
25 discussed that one of the steps is behaviorial

1 R. Wexler - Confidential

2 observations and that's not in your report,
3 correct?

4 A. Correct.

5 Q. And psychometric testing and work
6 samples, we've already gone through that, right?

7 A. They don't apply.

8 Q. What about assessment of activities, is
9 that in your report?

10 A. Assessment of activities? Do you mean
11 in terms of one's activity that one undertakes?
12 I'm not sure I understand what you mean.

13 Q. I'm just referencing the steps in the
14 vocational model. That's one of the steps --

15 A. Right. The steps of activities she --
16 you know, without having interviewed her, she
17 indicated she was conducting the activities for a
18 real estate agent, so she was performing
19 activities. And she also had performed
20 activities in her job search. And she appeared
21 to still be involved in some community
22 organization so that is unclear. So, apparently,
23 I'm assuming, yes, she was involved in activity.

24 Q. Is that contained in your report?

25 A. It's not necessarily contained every

1 R. Wexler - Confidential

2 element of this in the report, sir. But it is
3 not included in this report nor is it necessary.

4 Q. Thank you. What about recommendations
5 for vocational rehabilitation, is that contained
6 in your report?

7 A. No. I saw no reason to include
8 vocational rehabilitation. She was -- she needed
9 to look for work and I had no documentation,
10 reports, medical reviews indicating that she
11 needed rehabilitation.

12 Q. Flipping back to the issue of the
13 Forensic JobStats. Is the big picture purpose
14 there to try to figure out what job openings may
15 have appeared in the labor market during the
16 period of Ms. Fischman's unemployment?

17 MS. PRIMAVERA: Objection.

18 A. When looking at the published
19 opportunities, that give us some references point
20 about demand for those jobs in that marketplace.
21 It does not -- I repeat -- it does not include
22 unpublished job, which would have been covered
23 with more networking, meetings and doing more
24 research and outside of just online postings.

25 Q. So then do I understand correctly that

1 R. Wexler - Confidential

2 you're not taking the position that your Forensic
3 JobStats' database accurately reflects the full
4 extent of opportunities available to Ms.
5 Fischman?

6 MS. PRIMAVERA: Objection.

7 A. It is only an indication and does not
8 include the full extent because a lot of those
9 would be unpublished in her level.

10 Q. So we can't use Forensic JobStats to
11 reconstruct the job market that existed during
12 the entire period of Ms. Fischman unemployment,
13 can?

14 A. We can use it as an indicator about some
15 aspect of the job demand at that time.

16 Q. It's an indicator of job demand, is that
17 right?

18 A. Job demand and employment market, yes.

19 Q. When you use the phrase "job demand," is
20 that, you know, a function of the economics
21 discipline?

22 A. It indicates a function of the economics
23 discipline, it indicates what job were posted,
24 how that indicates some level of activity and
25 demand for particular occupations in particular

1 R. Wexler - Confidential

2 labor markets.

3 Q. Do you know how long the jobs that were
4 contained within the database were posted for?

5 A. I can't say for sure but they weren't
6 repeated over long periods of time. I don't
7 think they were posted for years at a time.

8 Q. But you also don't know whether they
9 were only posted for short periods of time,
10 correct?

11 MS. PRIMAVERA: Objection.

12 A. That is correct. Generally speaking,
13 they were posted for at least six weeks to a
14 quarter.

15 Q. How do you know that?

16 A. Because we can see them repeated later
17 on and we knew they were duplicates but we can
18 tell they were posted for a while or they had
19 not -- they appeared at another time so the job
20 was not filled.

21 Q. So that's an inference, correct?

22 A. That's an inference, yes, sir.

23 Q. You don't know whether the particular
24 jobs that were listed were ultimately filled or
25 unfilled, right?

1 R. Wexler - Confidential

2 A. That is right.

3 Q. You don't know whether if they were
4 filled, they were filled with internal or
5 external candidates?

6 A. I believe I answered that question
7 previously.

8 Q. Making sure.

9 MR. BERMAN: Skip that.

10 Q. The job postings that you examined, did
11 they contain information concerning the amount of
12 travel required?

13 A. Some did.

14 Q. And how many included that information?

15 A. Not that many. Travel was not necessary
16 a larger component in some of these jobs.

17 Q. Did those job postings provide
18 information concerning the number of direct
19 reports that the applicant would have if they
20 were hired?

21 A. I believe there were some that did.

22 Q. How many had that information?

23 A. I can't recall at this time.

24 Q. Did any of the job postings indicate
25 whether they would provide promotional

1 R. Wexler - Confidential

2 opportunities?

3 A. I don't think so.

4 Q. Did any of them indicate particular
5 geographic locations?

6 A. Most did.

7 Q. So my question to you is this: You
8 testified -- also to not leave anything out --
9 that most of them don't have compensation
10 information, right?

11 A. Yes, that's true.

12 Q. So if a job posting doesn't have the
13 compensation information, the amount of travel
14 required, the number of direct reports, whether
15 it's going to provide a promotional opportunity,
16 how can one assess whether those positions are
17 suitable for Ms. Fischman?

18 MS. PRIMAVERA: Objection.

19 A. Well, I think you're mischaracterizing
20 my response, sir. I said some did and some did
21 not just. Just because it's not listed or not
22 listed as a requirement or -- then it doesn't
23 mean that -- let me rephrase that.

24 If the job listed travel, generally, it
25 would indicate about the amount of time it was

1 R. Wexler - Confidential

2 required. If the job indicated there was some
3 promotional opportunity, that would have been
4 noted. It doesn't mean, however, that just
5 because a job did not note that, that it did not
6 have that.

7 Q. Okay. But in your determination of
8 whether to include or exclude these jobs, we have
9 to take your word for it, right, we can't check?

10 MS. PRIMAVERA: Objection.

11 A. We have to go by what the published job
12 describes, where it is and some of the
13 requirements involved. So I can't say that's
14 taking my word for it, the description themselves
15 are in the data and can be seen.

16 Q. But you haven't provided that to me so I
17 have to take it under say so, don't I?

18 A. Right now, yes.

19 MR. BERMAN: I'll tender the witness at
20 this time. Thank you for your help today.

21 I appreciate your testimony.

22 No further questions at this time.

23 MS. PRIMAVERA: I don't have questions
24 for the witness.

25 MR. BERMAN: Thank you all. I

1 R. Wexler - Confidential

2 appreciate it.

3 Toni, we are going to order.

4 MS. PRIMAVERA: Copy.

5 MR. JOLLY: No order.

6 MS. PRIMAVERA: I'll share with him.

7 (Whereupon, the examination of this
8 witness was concluded at 3:14 p.m.)
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1

2

A C K N O W L E D G M E N T

3

4 STATE OF NEW YORK)

: ss

5 COUNTY OF)

6

7

8 I, RONA WEXLER, hereby certify that I

9 have read the transcript of my testimony taken

10 under oath in my deposition of August 6, 2021,

11 that the transcript is a true, complete and

12 correct record of my testimony, and that the

13 answers on the record as given by me are true and

14 correct.

15

16

17

RONA WEXLER

18

19

20 Signed and subscribed to before
me, this day
21 of , 2021.

22

23

24 _____
Notary Public, State of New York

25

1

2

I N D E X

3

WITNESS

EXAMINATION BY

PAGE

4

Rona Wexler

Mr. Berman

5

5

6

E X H I B I T S

7

PLAINTIFF'S

PAGE

8

Wexler Exhibit 1 Report

17

9

Wexler Exhibit 2 CV

26

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, TONI MUSACCHIA, a Notary Public in and
for the State of New York, do hereby certify:

THAT the witness whose deposition is
hereinbefore set forth, was duly sworn by me and

THAT the within transcript is a true
record of the testimony given by such witness.

I further certify that I am not related,
either by blood or marriage; to any of the
parties to this action; and

THAT I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 30th day of August, 2021.

Toni Musacchia

TONI MUSACCHIA



A		
<p>a.m 1:15</p> <p>abilities 38:18 46:3 167:21</p> <p>ability 7:18 8:22 9:2 29:10 35:10 39:17 40:5 51:18 73:24 125:3 130:19 131:10 133:6 146:5 160:15 167:10</p> <p>able 8:15 57:11,18,23 58:3 72:13 76:13 87:11 100:11 103:9 130:20 131:11 142:21 167:5 174:12 184:24 186:10,19</p> <p>absence 38:7</p> <p>absolutely 6:6 28:17 119:20 151:3 158:13 174:16</p> <p>ABVE/D 17:13</p> <p>academic 65:2 69:2 88:25</p> <p>accelerate 149:2</p> <p>accept 152:20,23 153:4,6,17 154:21</p> <p>accepted 64:9 81:8 86:4 183:18,24</p> <p>accepting 154:9</p> <p>access 117:9 176:19</p> <p>accessible 64:22 98:2</p> <p>Accessing 35:18</p> <p>accident 73:23</p> <p>accommodate 8:11</p> <p>accommodated 31:8</p> <p>account 116:7</p> <p>accurately 8:23 9:2 103:5 189:3</p> <p>achieve 38:20 39:13</p> <p>achieved 68:14</p> <p>acknowledgement 160:20</p> <p>acquired 61:15 63:24 70:6,9</p> <p>acquisitions 50:10</p> <p>acronym 13:11</p> <p>action 7:23 130:7 197:12</p> <p>actions 134:10</p> <p>active 31:15 67:6</p> <p>activities 24:8 25:7 37:4,4 67:6 123:22 124:19 125:3 130:19,20 131:10 132:17 187:8,10,15,17,19 187:20</p> <p>activity 37:5 44:24 66:11 187:11,23 189:24</p> <p>add 72:22 75:20 157:15</p> <p>added 39:20</p> <p>addition 163:3</p> <p>additional 38:23 39:10 77:23 89:19 92:10 93:19 102:4 106:16 108:5</p> <p>address 5:24 88:5</p> <p>addressing 143:11</p> <p>adequacy 161:14</p> <p>administer 4:8</p> <p>admissibility 178:12</p> <p>admissible 146:23</p> <p>admission 119:13</p> <p>advertised 112:21</p> <p>advertising 151:5</p> <p>advice 97:25</p>	<p>advise 146:16</p> <p>advising 70:8 72:15</p> <p>advisor 38:14 163:20</p> <p>advisory 40:22</p> <p>affairs 181:8,16</p> <p>affect 8:22 9:2 132:19</p> <p>affiliated 62:20</p> <p>affiliation 84:20</p> <p>affluent 144:3</p> <p>against- 1:6</p> <p>age 58:18 90:25 142:7,11 143:3,6 143:12 157:7,8,12,21 158:13,23 158:25 159:3 167:20 168:21 170:19,21 171:3,11,13</p> <p>agency 4:12</p> <p>agent 149:8 150:9 187:18</p> <p>agents 143:24 144:6</p> <p>aggregate 176:3 177:7</p> <p>aggregated 176:7</p> <p>aggressive 168:12</p> <p>ago 63:5,13 92:9</p> <p>agree 25:15 83:12 140:2,5 154:12 154:18 186:14,17,21</p> <p>agreed 3:4,10,15 4:3 5:4,5 165:2</p> <p>agreement 7:23 20:11,13,15 21:12 22:17 173:7</p> <p>agreement's 21:2,6</p> <p>agreements 20:20 22:13</p> <p>ahead 30:17 142:25</p> <p>Albany 117:25</p> <p>all-encompassing 22:16</p> <p>alleges 130:14</p> <p>allow 7:4 52:9 183:9</p> <p>allowed 80:12</p> <p>amended 130:7,11,13</p> <p>America 1:8 2:11 69:24</p> <p>American 29:8,11 34:18 35:8 37:2 38:4</p> <p>amount 39:2 72:19 123:2 152:12 157:2 166:4 191:11 192:13,25</p> <p>analyses 52:19 53:2,19 54:2,6,20</p> <p>analysis 10:25 12:17 13:25 14:3 21:7 28:24 29:2,6 31:6 36:11 37:22 49:3 52:17,21 53:16 54:8 54:12,22 57:12 70:4,5 71:7,8,23 75:6 76:9 78:24 81:16 99:19,20 102:4 111:12 112:4 115:8,9 119:8 120:6 123:16 126:5,5,7,9,16 132:23 148:12 156:16,21 158:7 159:7 163:13,15 166:22 168:7 171:8 186:15</p> <p>analyze 72:13 114:10</p> <p>analyzed 12:16</p> <p>Analyzing 89:4 91:11</p> <p>and/or 31:8 50:10 130:19 144:13</p> <p>Andrew 62:12 63:9,12 81:23 84:7 84:12,19</p> <p>annual 148:6</p>	<p>annually 90:22</p> <p>answer 8:3,5 24:18 25:13 40:20 42:15 54:19 60:9 74:5 79:24 104:12 146:2 157:19 164:11</p> <p>answered 66:14 103:2,18 191:6</p> <p>answering 6:9</p> <p>answers 23:15 195:12</p> <p>anticipate 7:14</p> <p>anxiety 132:10</p> <p>anybody 98:2 113:3</p> <p>anymore 163:4</p> <p>anyway 133:23</p> <p>apparently 187:22</p> <p>appear 114:14 140:19 177:15 184:2</p> <p>appeared 122:23 133:13 187:20 188:15 190:19</p> <p>appearing 5:9</p> <p>appears 16:7 25:17</p> <p>appendices 182:25</p> <p>appendix 17:22 18:8,11,21 64:19 88:16,17 90:17 93:16 97:19 182:12</p> <p>applicability 88:15</p> <p>applicable 68:19 127:2 151:20</p> <p>applicant 58:20 71:5 158:2,16 159:14,19 160:6,7,14,20 161:19 169:10 170:4,5 191:19</p> <p>application 15:15 30:9 98:8 100:14 159:2,4,25 160:9,13,16,21,24 161:5</p> <p>applications 65:16,18 67:2 182:2 182:14</p> <p>applied 15:24 20:23 52:7 53:9 54:4 80:16 82:3,6,8 84:7 85:25 86:2 126:22 159:13 161:11 178:6 182:10,18</p> <p>applies 37:23</p> <p>apply 20:2 22:25 56:12 75:5 80:24 110:10,21 153:25 154:10,13,20 169:25 187:7</p> <p>applying 98:21 106:7 181:17</p> <p>appreciate 193:21 194:2</p> <p>approach 38:6 67:21</p> <p>approaches 142:15</p> <p>appropriate 13:24 15:2 29:25 31:6 80:17,19,22 86:4 100:13,22 102:5 111:2 113:14 115:3,4 127:8 135:18 136:19 138:2,7,13</p> <p>appropriateness 128:5</p> <p>approved 30:13</p> <p>approximately 9:13 30:16 46:23 102:10 109:8 157:6 182:18</p> <p>arbitrary 153:7</p> <p>arbitration 9:19</p> <p>arbitrations 9:18</p> <p>area 29:24 57:7 99:13 115:7,10 118:4,13 124:4 143:25 144:4 146:17 149:5</p>

areas 22:21 23:4 24:3 79:2,3 116:15 116:17 140:17 argumentative 180:17 Ariel 46:21 art 84:25 article 31:17 40:11 87:25 90:19 94:4 95:23 articles 39:20 40:21 41:11 64:17 66:10 89:24 91:2 92:24 97:21 articulation 126:12 Arts 27:24 ascertain 100:11 Ashforth 68:16 aside 12:17 asked 13:4 19:12 30:6 61:16,17 66:15 76:23 98:24 103:3,17 149:13,13,16 151:17 169:4,5 173:4,8 asking 6:7 55:3,6 70:18 76:24 78:11 79:25 80:2 123:14 135:19 165:3 172:18 173:15 aspect 47:19 189:15 aspects 106:3 107:23 assess 29:10 35:25 69:6 72:14 101:25 112:13 113:24 123:9 125:11 192:16 assessed 13:23 102:16 assessing 37:19 71:11 72:8 111:18 111:19 123:4 130:23 assessment 69:8 71:19,22 72:2 73:6 73:15 74:23 75:7,18 77:3,5,15,19 77:22 78:6,18,23 81:2,17 84:24 85:11 87:7 94:24 96:15,19 115:13 115:15 116:6,10,22 121:13 124:14 128:16 165:21 184:16 187:8,10 assets 24:23 assignment 101:22 assistant 181:20 assists 23:14 associate 10:24 14:10 59:5 99:7,10 104:16 111:14 172:5,7 181:20 associate's 104:13,20 associated 68:13 associates 46:22 47:15 62:24 assume 122:10 assuming 158:11 187:23 assumption 122:6,8 129:25 130:3,4 159:16 assumptions 113:23 114:4 124:15 attach 18:8 attempt 122:11 attempting 123:17 attention 64:7,13 attorney 48:16 78:3 120:4 134:5 135:4 154:6 attorney's 41:9 attorney/client 19:10	attorneys 1:20 2:3,7,10,15 7:22 9:25 10:10,12,14,19 41:2,4,21,24 42:5 43:8 47:9,22,25 48:6 59:22 113:25 139:21 156:12 audible 6:19 audience 41:2 42:4,10 43:5,6 August 1:15 34:19 195:9 197:16 author 34:7 184:11 author's 93:8 authored 31:16 32:17 33:17 37:14 authorship 34:14 35:18 36:17 38:2 41:12 available 45:4,5 53:15,20 54:13 55:11 70:11 82:11 97:21,22 109:9 119:17 131:14 163:11 174:9 189:4 Avenue 2:7,16 90:19,23,24 aware 11:4,7,8 147:4,13 160:18 163:7 170:25 178:9 179:17 180:2 183:22	17:4 22:15,15 27:10,14 32:15 43:24 45:10 51:15 57:25 63:8 69:5,6 76:19 77:21 82:5,8,23 83:10 84:18 87:8 92:8,18 93:7 97:9 116:11 120:7 124:13 125:25 133:8 143:8 145:10 149:11 162:16 169:7 191:6,21 believed 13:24 bench 9:15 benefit 41:20 Berman 2:5 5:4,13,21 11:21 13:3 17:6,17 24:11 26:10,17 32:19,25 34:20 35:15 37:8 42:13 43:12,15 62:12 63:9,12 66:16 74:15,18 79:13 80:11 81:23 82:7 83:18 84:8,12,19 86:9,13,17,21,25 103:18 118:18 132:22 137:3 152:23 154:8,16 180:18,24 191:9 193:19,25 196:4 best 5:8 6:22 7:4,8,13,17 80:4 87:24 92:2 93:3 127:11 132:22 148:21 170:12 171:22,23 beyond 45:8 bias 157:12,21 158:4 big 188:13 bit 15:5 154:16 178:19 183:14 black 138:20 160:7,11 169:23 blinking 6:14 Bliss 82:10 blood 197:11 BLS 168:9,15,18 169:5 170:2 171:2 board 29:8,11 178:3 boards 110:7 175:24 176:18,23 body 89:11 Bolles 89:14 90:16 91:9 92:13 94:10 95:4,4 97:4 bono 42:20 book 87:25 89:18 91:21 184:7,13 books 90:20 97:3 boroughs 116:15 bottom 42:8 bound 163:6 boy 88:17 Bradford 47:14 break 8:10,11 12:14 40:23 74:11,15 74:19 76:10,15 79:12 86:7,10,18 171:18 174:16 180:23,25 breaks 8:13 brief 181:3 182:13 bring 24:24 brings 40:2 BRITTANY 2:13 broad 150:18 164:12 broaden 141:17 broken 171:14 broker 150:10 brokers 144:6 150:9,22 buckets 114:23
--	--	--

build 144:10 bulk 182:2 bullet 35:3 36:21 42:18 bullets 35:8 bunch 150:12 Bureau 143:8 156:24 157:17 168:9 185:13 business 43:8 47:19 113:16 149:5 181:7,15 business-to-business 47:2 buyer 144:13 buyer's 150:25 buyers 144:13,14	certain 14:12 15:8,14,20 25:25 30:3 59:25 74:25 79:23 96:25 101:4 102:6 106:3 107:23 114:14 121:2 123:25 136:22 137:25 138:19 142:17 153:19 171:4 186:5 certainly 55:22 76:10,15 181:19 certainty 69:21 166:8 certification 3:6 29:7,14,19,22,25 52:10 certifications 28:20 29:5 certified 30:19 certify 195:7 197:5,10 cetera 11:3 30:3,14 37:24 39:6 53:3 114:14 140:14 141:17 142:24 167:23 169:24 181:10 Chad 11:9 173:6 180:7 challenge 178:16 challenged 178:10,12 179:3 challenges 38:19,24 39:7,10,14 challenging 7:7 39:3 42:22 change 23:17 131:24 132:11 149:21 161:2,15 179:20 changed 38:15 81:19 85:8 Changers 89:22 changes 22:12 27:5,7 95:7 chapter 88:3 chapters 93:2,2 184:3 characterization 43:22 44:7 characterized 137:12 characterizing 145:9 charged 68:20 charts 100:6,8 171:11 check 13:5 14:4 15:9 58:9 67:14 102:2 104:23 105:3,19 106:17,20 107:9,20 108:2,9 143:7 148:8 174:4 193:9 checked 22:2 Chemical 1:8,9,9 2:11,16 58:21 69:24 Chester 116:12 chief 47:6 49:11 100:24 134:19 135:12 136:5,9,11 138:4 181:8,9 chose 100:23 152:17 CIO 136:24 citation 67:17 citations 65:5 66:25 cite 73:9 77:2 125:24 143:20 cited 65:2 67:7 69:2 88:25 91:18 144:22 cites 73:5 98:3 citing 74:6 77:10 City 2:4 116:13 Civil 4:5 claim 87:12 148:3,5 170:20 claiming 118:16,18 claims 130:15 CLARICK 2:6 clarify 74:5 80:12 89:6 140:22	161:4 classification 139:4,5 141:8 classifications 140:24 CLE 41:23,24 clear 18:10 48:14 77:20 97:7 123:12 131:17 146:4 149:3 181:24 clearly 54:21 CLEs 41:16,18 client 144:10 clients 41:5,6,8,9 134:11 close 75:10 closely 15:5 16:10 68:13 closer 155:18 co-presenter 34:5 coach 38:14 code 138:23 codes 139:7,12,19,20,21 140:24 141:4,7,8,15,17,22 142:2 169:8 173:6,13 cognitive 127:20 colleague 162:21 College 27:18 color 89:20 92:11 102:24 combine 168:21 come 42:21 115:25 128:19 155:22 177:4 comes 103:14 171:15 comfortable 8:15 103:12 commencing 88:17 comment 136:21 commission 144:4 150:11,15,24 commissions 144:12 148:23 common 98:5 141:11 commune 116:16 communicate 21:17 59:25 117:6 communicated 10:23 communication 72:11,13 communications 9:24 10:13,18 11:10 27:20,20 community 123:25 124:15,20,22 125:4,5 183:25 187:21 commutable 116:12 117:25 118:3 commutation 117:2,4,8,12,21 118:8 118:17,19 commuting 116:21,25 companies 111:14 135:13 145:20 163:3 177:2 company 111:16 114:11 135:15 138:3,9 165:12 181:16,19 comparable 26:4,6 53:10 58:20,25 96:16 116:4 124:24 compare 51:3,4 52:23,25 53:13 55:18 70:12 111:21 113:9,18 114:12 140:15 185:9,16 compared 55:12,21 156:20 compares 185:8 comparing 54:8,12 105:10,14
---	--	---

<p>112:20,23 168:23 185:10,14 comparison 55:7 76:24 111:3 113:3 113:6 compensating 155:25 compensation 26:3,9 85:16 107:12 148:23 149:6,14,16,17 155:19 156:4,9 166:10 168:19 169:6 192:9,13 competition 8:14 competitive 23:3 49:11 58:19 59:11 59:16,18 60:6,12 62:15 106:25 134:18 142:8,16 143:3 155:17 157:8 158:2 166:10 competitiveness 142:12 complaint 83:11 130:7,11,13 185:25 complete 7:10 30:21 125:15 147:9 195:10 completed 30:24 40:20 47:4 50:14 52:24 53:4 54:25 56:13 66:12 67:9 71:6,12 72:21 73:3 74:3 76:3 76:20 78:7 90:5 95:19 96:3,4 102:13 106:12 107:6 124:12 138:10 144:19 146:2 157:19 177:11 184:18 185:18 complex 58:17 component 126:2 191:16 components 171:17 comprehensive 177:6 comprised 105:3 computer 75:23 173:5 computerized 158:20 conceded 128:18 concentrated 175:20 concept 52:16 53:6 concern 79:4 concerned 95:3 concerning 10:14 11:23 18:4 53:19 60:5 87:22 161:11 191:11,18 concerns 143:13 148:2 concluded 134:14 194:8 conclusion 25:20 49:25 183:9 conclusions 154:7 condition 8:25 9:4 61:7 conduct 31:11 72:14 88:10 98:4 121:13 145:18 conducted 4:6 42:23 54:8 55:7 77:13 82:18 92:20 94:5 102:3 108:9 161:19 conducting 36:8 72:8 76:8 100:16 144:7 187:17 conference 1:22 5:10 conferencing 6:13 conferring 11:3 confidence 123:2 165:24 Confidential 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1</p>	<p>23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1 124:1 125:1 126:1 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:1 135:1 136:1 137:1 138:1 139:1 140:1 141:1 142:1 143:1 144:1 145:1 146:1 147:1 148:1 149:1 150:1 151:1 152:1 153:1 154:1 155:1 156:1 157:1 158:1 159:1 160:1 161:1 162:1 163:1 164:1 165:1 166:1 167:1 168:1 169:1 170:1 171:1 172:1 173:1 174:1 175:1 176:1 177:1 178:1 179:1 180:1 181:1 182:1 183:1 184:1 185:1 186:1 187:1 188:1 189:1 190:1 191:1 192:1 193:1 194:1 confined 82:12 155:14 confirmation 160:16 connected 10:23 Connecticut 118:6 connection 9:11 10:11,17 52:20 63:7,18,21 70:22 99:21 100:3 101:6 104:9 129:17 130:15 connections 124:14 consensus 97:25 consent 4:16 conservative 100:23 consider 56:25 69:17 107:16 122:14,17 123:19 124:3 140:18 168:19 169:5,9 171:13 186:18 consideration 135:8 148:14 considered 4:17 29:24 45:11 59:11 60:12 70:11 115:11 118:21 122:16,18 136:14 137:7 143:2 147:14 157:7 164:3 167:3 177:19 179:19 186:17 considering 45:4 58:15 122:20 considers 185:21 consisting 106:16 108:10 constantly 95:6 constitute 77:18 constitutes 68:6</p>	<p>consult 62:7 63:6,14,15,17 84:16 142:23 163:19 consultation 60:20,23 consultations 61:2,11,24 consulted 12:19 61:5 63:11,25 81:23,25 145:8 consulting 60:15 173:20 consuming 67:25 contain 97:7 191:11 contained 62:5 72:5 88:25 93:16 96:19 97:9 140:25 147:3,19 187:24,25 188:5 190:4 contains 61:18 77:5,6 92:25 contents 17:19 context 98:14 114:11 178:6 180:21 continue 34:12 59:24 73:24 74:14 106:15 155:24 continued 120:22,23 continues 24:13 33:3 continuing 30:22 41:19 87:5 93:4 contract 20:6 contracts 50:10 contribute 166:13 contribution 142:21 control 4:12 conversations 19:10 convey 106:23 conveyed 145:12 COO 136:24,24 copy 11:13,15,16,18 57:10 65:8 194:4 corporate 49:12,13 50:11 58:17 59:6 134:19,20 137:6,7,13,13 142:9 corporation 1:9,9 2:16 142:18 165:13 corporations 182:4,4 correct 14:12 15:7,21 26:24 29:17 31:23 32:5 33:3,22 34:10 38:21 41:14 43:18 50:18 60:19 73:12 75:12 78:19 79:8,17 80:13,19 81:24 82:14,25 84:13,15 85:6 88:22 90:17 96:12 97:15 111:6 112:5,7 114:25 118:10 121:25 122:6 126:6 128:20 129:2 130:3,8 131:22 134:2,8,20 136:15 137:14 141:9,13,15,19 145:9 148:10 150:16,19,22 151:6,9 153:10,13 153:22 154:24 155:4 156:3 159:5 159:16,20 160:4 161:11 163:11 164:15,18 167:23 172:8,9,11,20 174:13,21,25 176:19 179:14 183:3,6 186:13 187:3,4 190:10,12 190:21 195:11,13 correctly 12:8 39:8 188:25 correspond 78:16,22 Costa 1:10 2:7,11 counsel 3:6 4:3,10,21 8:4 19:6</p>
---	--	---

20:12 49:13 50:4 59:5,5,6,6,7 61:9,10 62:24 83:16 100:25 111:14 134:19,20 135:12 137:6,6 137:7,13,14 149:10 181:8 counseling 27:25 30:2 99:16 count 80:23 Country 2:4 County 116:12 118:6,7 195:5 couple 22:20 course 28:15 36:9 76:8 91:16 97:3 108:7 124:8 144:3 151:15 153:7 169:24 179:4,15 court 1:2 3:18 4:7,22 6:24 7:15 8:7 23:13 42:13 66:16 147:2 177:18 178:2,7 179:17 courts 180:2 covered 110:5 188:22 covers 20:17 create 100:6 created 99:8 credential 30:20 credentials 29:14 credibility 106:24 credible 81:7 credits 41:23,24 criteria 15:14,21,23 16:3,7,11,24 17:2 117:18 136:23 154:22 cross 179:4,6 CTO 136:24 current 27:2,4 currently 8:20 cut 6:14 26:22 cuts 6:15 CV 26:13,16,18 27:2,6,8,13 32:5,16 32:22,24,25 33:10 43:12 46:21 196:9	148:9 171:12 date 1:22 5:3 145:22,25 182:16 day 67:7 195:20 197:16 day-to-day 91:20 132:16 deal 113:16 deBruyn 90:2 decades 58:16 95:5 Decide 35:10 39:17 decided 135:4 155:15 decision 107:4 178:4,5 179:20 180:22 decisionmaking 24:9 deductions 151:4 deem 80:21 113:23 114:5 deemed 80:17,18 110:21 178:3 Defendant 2:7,15 defendants 1:12 2:10 11:6 defense 83:16 define 123:7 definitely 95:13 150:17 definition 146:12,15 definitively 186:19 degree 27:15,17,23 28:25 29:3,24 31:9 51:18 69:21 71:2 79:12 97:2 99:7 100:12 102:7 106:23 112:13 137:25 138:19 142:17 153:18 154:15 157:25 167:11,20 186:5 degrees 27:22 28:3,18,23 30:3 delivery 89:10 demand 62:16 188:20 189:15,16,18 189:19,25 demeaning 153:21,24 demographics 169:15,17,18 170:3 170:5 demonstrate 30:7 51:18 152:4 demonstrated 49:9,17,21,25 51:13 59:14 105:11 131:9 demonstration 152:5 demotion 152:21 153:5 departed 129:10 Department 156:25 185:13 departure 25:10 depend 132:14 depending 86:3 108:19 132:3,4 135:10 138:3 142:17 167:11 181:16 depends 39:2 62:24 119:16,16,17 119:18 132:13,15,25 135:17,25 151:13 161:17,25 178:5 180:20 deposed 9:7,9 deposition 1:19 4:6 10:17 83:11 195:9 197:6 depressed 129:9 depression 132:10 derived 90:20 describe 105:2 106:15 114:3 132:3 169:2 described 18:15 44:16 50:13 55:12	59:12 62:8 65:2 71:3,15 96:11,23 106:18 107:20 111:11,18,19 112:22 123:6 125:12 131:14 136:2 137:21 140:15,16 169:16 184:21 185:12 describes 51:5 193:12 description 56:2 105:24 106:8 113:13 114:10 138:16 193:14 descriptions 53:2 105:5 112:18,23 132:16 139:24 descriptors 138:21 design 16:11 designate 16:17 designating 16:22 detail 72:20 140:17 detailed 72:16 75:3 106:8 determination 127:5 128:4,10,14 128:19,24 131:25 138:12,24 142:8 143:5,18 145:15 148:6 155:6 193:7 determinations 118:24 140:3 141:14 158:20 determine 34:17 36:18,23 40:14 51:12 56:15,19 102:4,7,15 103:4 103:9 112:12 117:11,22 174:12 determined 15:23 102:9 119:6 150:16 180:14 determines 13:19 determining 85:12 137:5 153:9 developed 22:24 85:14,21 Developing 95:12 differ 69:12 difference 149:25 differences 57:5 different 14:17 18:23 22:8,21 38:6 39:6 40:18 43:11 46:25 52:5,5 55:4 59:4,18 72:9 73:17 75:22 76:18 77:24 92:25 94:12 102:23 103:11 105:19 106:19 108:18 110:5,17 111:14,15 116:2,5 118:11 122:21,22,24 126:24 128:10,19 130:19 140:17,21 141:14 143:23 144:15 146:14,24 151:16 152:10,18 160:23 161:7 167:19,20,21 171:11,12 173:23 175:4 176:4 178:22 differently 171:14 differs 14:2 69:9 difficult 7:2 65:23 116:16 117:6 156:17 166:18,21 diligence 20:3 21:3 25:2 123:2 179:25 diligent 23:10 24:9 25:5,14 34:17 36:18,23 37:6 44:2 58:19 64:9 66:25 67:5,12,14,20,24 68:7 69:7 69:23 152:11 diminish 142:16 diminishment 127:19
--	--	---

D

D 1:1 2:1 3:1 4:1 5:1 65:16 88:16
182:12 195:2 196:2

D.C 117:3

D.E 95:13

D.T 95:13

daily 130:20

damages 19:16 68:21 107:18
151:21 153:16

data 12:9,10,15,18,23 13:4 14:2,3
45:4 70:11 73:12 99:22 100:10
102:2 103:11 104:24 105:3
120:12 141:3 147:14,25 168:16
173:21 174:9,11 177:16 179:21
193:15

database 12:10 13:14,15,16 15:24
16:12,16,23 57:7,13,22 112:15
148:3 172:14,20,23 173:13 176:8
176:17,22 177:20 178:4 179:19
189:3 190:4

databases 143:24 144:22 145:4

<p>diplomate 29:8,16,19 52:11 direct 5:20 23:13 64:7,13 117:7 163:4 191:18 192:14 directed 39:20 direction 86:22 directly 15:9 47:10,11 48:8,12 99:24 162:22 173:9 176:4 177:2 directors 110:8 disability 85:17 disabled 85:12 discern 33:9 discipline 189:21,23 disclose 19:10 discrepancy 14:6 discrimination 166:19 170:20 discussed 70:25 93:14 97:5 118:14 119:3 134:4 152:9 184:25 186:25 discussing 97:8 98:16 163:8 discussion 38:17 discussions 10:22 display 23:17 dissolution 39:24 distance 116:21,25 117:2,5,22 distinction 164:20,21 distorted 168:22 distress 129:16,16 130:15,23 132:9 DISTRICT 1:2,2 Divorce 35:7 38:3 divvied 150:12 doctor 99:14 101:19 doctorate 99:15 document 17:18,21 23:14 26:21,23 documentation 12:3 18:17 46:2 70:21 82:10 84:6 124:19 127:21 134:13 152:6 160:4 186:2 188:9 documented 82:15 documents 10:6 36:6 44:23 70:24 71:10 72:8 82:13,19 88:24 doing 48:11 59:21 76:17 99:17 104:14 114:16 122:23 130:2 151:13 188:23 Donna 1:10 2:7,11 dot 177:21 double 13:5 15:9 58:9 67:14 148:8 doubt 128:11 Downing 81:10 85:5 160:19 dozen 9:10 Dr 6:2 14:10,11,15 99:11,13 100:16 100:19 101:7,15 102:3,16 103:4 103:14 dramatically 108:22 duly 5:17 197:7 duplicate 103:10 176:11 duplicated 102:17 duplicates 15:3 102:11 103:6,8 190:17 duplication 21:21,25 duplicative 102:6 176:8</p>	<p>duration 21:7 23:6 158:8 159:8 161:20,25 168:7 170:3 171:7,10 duties 105:7 109:18 duty 68:20 151:20,25 152:3</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>E 1:1 2:1,2,2 3:1 4:1 5:1,15,15 17:12 195:2,2 196:2,6 197:2,2 earlier 43:16 61:17 85:21 123:6 156:2 161:18 earliest 121:14 earn 143:19,24 earned 26:4 149:7,20,24 earning 35:19 36:3 37:20 38:20 39:12,25 107:14 145:2 148:7 earnings 40:14 148:6,13 easiest 33:14 easily 64:22 113:19 Economic 90:7 93:5 95:16 economical 19:16 economics 28:18,21 29:3 189:20,22 edited 184:8 educate 40:19 145:22 education 27:16,19,25 30:22 41:19 44:11 45:13 105:9 educational 124:8 effect 3:17 129:22,23 effective 24:10 effort 24:7 67:25 144:9 152:12 153:15,15 162:20 186:6 efforts 21:4 23:8 25:14 66:2 70:12 71:11 82:18 160:3 eight 46:23 75:11,25 76:2 either 84:7 136:25 137:18 139:4 165:7 197:11 element 188:2 elements 29:21 64:15,25 66:21 77:7 77:18,22 78:15 185:11 eliminate 107:2 114:24 115:22 116:24 117:13 135:12 155:12,20 155:24 eliminated 101:4 102:11 110:25 135:8,23 153:19 155:21,23 171:25 eliminating 137:19 embedded 25:13 123:24 Emerson 27:18 Emery 95:4 emotional 129:16 130:15,23 132:9 employ 21:24 employability 19:25 24:23 36:2 49:4 76:9 78:5,24 112:9 145:18 employed 96:7 125:11 162:14 165:13 169:12 182:3 employee 19:25 employees 135:16 employer 24:24 156:5 160:22 161:8 163:24 167:8</p>	<p>employers 135:13 173:23 employment 20:2,4,22,23 22:23 23:2,3,9 24:2 26:3,6,8,8 31:4,10 31:13 35:18,23 36:2,9 37:20 38:24 39:10,11,21 44:19 46:10 50:10 52:2 55:15 59:24 67:22,23 88:3 94:24 120:24 127:15 129:18 135:2,5,9,23 155:17 157:8 158:3 160:9 162:25 163:7 164:7,24,25 165:15 166:19 167:17 171:16 189:18 encompass 32:2 79:10 83:13 encompassed 31:7 encompasses 20:16 165:19 encountered 28:8 ended 108:24 endurance 8:14 engaged 12:6 19:6 21:13 58:18 65:18 English 27:18 ensure 21:20 entail 106:2 entailed 37:2 109:22 entire 7:15 189:12 entirely 133:24 entitled 17:13 entity 29:17 62:20 entries 176:8 entry 33:18,24 55:20 91:5 107:2,15 107:15 enumerated 76:5 77:17 78:16 environments 110:11 err 101:5 esoteric 176:23 especially 38:12 59:22 109:6 135:13 144:17 Esq 2:5,13,18 estate 143:19 144:7,16,23 145:3,12 145:23,23 148:14 149:4,18 150:2 187:18 estimate 75:25 et 11:3 30:3,14 37:23 39:6 53:3 114:13 140:14 141:17 142:24 167:23 169:23 181:9 evaluate 19:24 20:3 23:5 51:16 52:9 103:21 104:19 114:10 133:22 evaluated 70:8 150:9 evaluates 45:3 evaluating 21:3 22:22 31:4 59:21 94:24 102:22 125:16 144:5 160:2 evaluation 17:14 20:22,25 31:8,11 70:16 73:11 77:6 79:16 94:13,16 98:19 99:16 115:12,14 125:18 133:4 evaluations 29:15 evaluator 10:24 30:8 31:2,3 145:18 event 127:12,13,17,17 128:25</p>
--	---	--

<p>140:23 events 85:22 127:10 evidence 30:10 146:10 178:11 evident 127:21 exact 81:2,6,17 exactly 65:13 76:12 93:10 106:5 141:13 exam 30:15,18 119:17 examination 3:7,16 5:20 30:6 132:24 179:6 194:7 196:3 examinations 130:25 examined 5:18 191:10 examining 66:10 example 33:18 75:23 102:9 117:24 120:17 142:19 147:25 150:24 170:15,19 174:22 185:17 excellent 122:25 184:13 excess 149:21 exclude 117:19 137:12 141:15 171:20 179:7,12 193:8 excluded 179:17 180:3,8,11 excludes 179:24 excluding 171:19 exclusively 100:4 160:3 excuse 32:20 88:17 94:21 execute 25:14 37:6 52:3 129:13 130:21 186:3 executive 47:7 52:3 62:18,18 72:11 134:22 135:2,7,20 136:4,5,13 181:6,13,18 executives 135:22 exercise 140:9,11 exhibit 17:10,10,15 26:11,12,14,18 96:20 97:6 196:8,9 exhibits 17:8 exist 131:21 existed 189:11 expect 8:2 176:18 expectation 23:6 26:2 64:9 67:5,16 156:23 159:20,21 expected 158:8 159:12,18 163:17 163:19 expecting 161:7 expenses 150:11 151:5,12 experience 24:2 30:8,11 44:13 45:2 45:18 46:15,19,20 47:8,21,24 48:15,19,23 50:3,7 58:15 59:20 60:19,20,23 61:8,14 64:3 70:7 72:23 76:14 102:21 104:14 105:11,15 109:19 110:9,13,15 111:6 113:16,21 114:6,13,16,22 123:23 128:25 134:13 136:3 137:24 139:24 140:18 142:22 144:5,18 164:23 166:16 185:15 experienced 129:15 165:11 experiences 116:2 expert 11:14,16,19 12:24 17:3,7 23:18 28:16 31:23 32:19,23 40:22</p>	<p>48:25 50:23 51:2,7,10,12,15 54:8 54:12 56:25 57:10,20,21,21,23 61:4,12,13 62:4,5,9 65:3,12 69:15 73:5 75:5,13 82:14 83:20,23 91:24 94:7 96:5 103:25 104:8 113:8 115:17,19 128:8,17,18 137:17 141:6 146:9,13,21,25 147:4,20 150:4 165:8 167:25 168:8 178:17 179:13 180:16 186:16 expertise 87:12,21 95:2 115:7 118:16,19 130:22 experts 11:5 18:23 29:9,12 35:10 39:16 40:13 43:11 79:20 80:3,5,7 112:9,9 141:21 183:25 expired 121:4,5,11 explain 173:3 178:18 express 4:16 147:10 expressed 147:18 extended 38:23 65:23 extensive 24:2 50:3 70:7 100:11 extent 12:9 16:15 28:13 124:10 189:4,8 external 174:18 191:5 externally 111:16 142:24 170:8,15 174:13,15 extract 91:2 114:12</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>F 1:1 2:1 3:1 4:1 5:1 197:2 face 38:23 39:10 facilitating 48:15 fact 5:10 103:10 122:20 175:19 186:3 fact-based 184:14 factor 116:9,21 118:23 124:23 142:7 148:18 151:4 155:8 156:15 156:21 157:24 158:7,10,13 159:7 159:10 161:9 162:3,8,17 166:22 166:24 factored 119:2 162:7 163:13,15 factors 117:22 140:3,6 165:20 167:22 178:6 180:21 facts 147:14 factual 49:24 143:17 failed 44:2 69:22 failure 24:6 fair 40:25 43:22 44:7 69:8 98:5 104:7 137:2 151:11 175:9 fairly 116:4 139:22 141:11 149:19 164:22 fall 160:7 familiar 52:16 53:6 68:18,23 71:25 81:10 149:25 151:19 158:16,21 160:25 168:15 172:13,15,19 175:6 178:15 family 35:7,19,23 36:12,15,16 38:4 39:19 123:21,21 148:15,21</p>	<p>far 95:3 107:20 149:7 164:12 177:12 faster 148:20 feasible 117:23 118:14 federal 3:2 4:4 93:9,11 146:9,13,25 147:2 178:11 feel 23:12 74:12 102:24 103:12 166:7 feeling 166:11 fewer 135:15 field 43:10 45:6 48:23 52:13 57:2,5 80:8 87:12,21 88:11 89:2,12 92:3 93:24 94:3 95:2,5 101:3 102:22 127:3 128:15 145:13,20 148:14 148:16 152:10 fields 85:13 fifth 2:7 34:7 figure 188:14 figuring 107:23 filed 166:18 170:20 filing 3:7 filled 170:11,14,18 190:20,24 191:4 191:4 filter 173:14 find 20:4 23:3,8 65:6 66:20,24 85:13 90:8 113:22 125:5 127:6 155:17 156:19 157:3 159:22,23 163:2 164:25 165:15 167:10 183:21 184:15 findings 10:7 68:12 73:12 fine 5:6 65:12 86:9 133:6 finish 7:5,11 firm 46:21 47:13,14 59:7,8,8 62:22 firms 50:6 first 5:16 12:7 29:23 33:18 35:17 64:13 69:15,17,19 90:15 105:20 105:22,24 106:13 108:8,20 109:3 109:6,10 122:11 123:3,16 125:7 143:23 172:3 firsthand 64:3 134:12 145:16 172:25 173:3 Fischman 1:4 2:21 15:14 17:13 44:2 49:9,17,20 53:20 54:3 55:8 65:18 69:22 70:13 82:3,6,17 83:11,14 84:7 100:14 105:11,15 106:22 109:9 113:9 116:11 122:10 124:3,16 126:14,25 127:11 128:25 130:14 131:9 132:9 133:8,11 134:16,25 135:9 135:21,24 136:6,15 137:8 138:8 140:15 149:14 155:9 157:9,25 159:12 162:3 163:10 169:25 171:21 177:2,13 181:14 182:14 183:10 186:3 189:5,12 192:17 Fischman's 19:25 22:22 23:25 44:11 45:6,12,17,22 50:17 53:14 54:9,13 55:19 70:23 82:21 83:19 109:3 112:14 114:13 120:21</p>
--	--	---

<p>121:3,15 134:10 137:23 142:4 143:18 148:13 156:8 158:8 160:2 161:10,15 182:9 188:16 fit 56:11,11 111:3 137:23 139:10,25 five 63:13 69:20 70:15 74:13 75:13 76:5,6 77:7,10,12,14 78:12,15,17 86:19 94:13,17 FJS 12:19 13:8,10 15:24 flag 163:23 flexible 156:6 Flipping 188:12 Floor 2:7,12 focus 185:5 focussed 135:5 follow 65:20 76:18 133:6 followed 78:13 80:13 following 25:9 37:6 49:7 178:21 follows 5:19 64:15 footnote 66:6 67:7 68:2 73:6 74:6 footnotes 10:4 Forbes 64:20 Forbes.com 64:20 force 3:17 forensic 12:3,10,18 13:11,15,20 14:2,16,19 15:6,9 16:12,16,22 18:15,24 19:5 29:14 30:8,11 55:12,18,24 57:6,12,22 58:2,11 87:25 99:23 105:6 108:11 109:4 112:15,25 113:10 124:24 135:21 141:2 156:12 171:20 172:14,15 173:18 175:23 176:17,22 177:19 178:3 179:18 180:11,14 182:23 188:13 189:2,10 forgot 37:13 form 3:11 7:25 32:11 62:21 formal 52:21 former 53:14 forming 147:14 forms 122:21 formulas 53:12 formulation 62:9 forth 20:13 197:7 forum 90:7 93:5 95:15,16 forward 132:20 found 14:5,6 15:2 26:2 95:16 105:6 112:20 113:5 115:18 166:3,8 foundation 49:24 87:25 92:2 foundational 92:3 93:23 94:3,25 four 30:16 34:25 42:18 63:5 79:5,6 Fourth 34:5 framework 95:12 free 23:12,16 74:12 frequent 12:6 frequently 42:21 177:22 full 35:8 64:14 68:12 182:8 189:3,8 full-time 65:22 67:22 fully 154:14 function 189:20,22</p>	<p>functional 131:15 functioning 52:4 72:11 functions 50:8 52:7,9 55:15 110:5 110:20 further 3:10,15 4:13 25:23 43:3 58:13 169:22 193:22 197:10 future 5:3 24:24 142:20</p> <hr/> <p>G</p> <hr/> <p>G 195:2 Garden 2:4 Gardener 173:20 gauge 103:13 GC 181:20,20,21 GCs 62:23 geared 90:25 gender 158:4,13 168:21 general 10:21 35:20 37:16 40:15 49:12 50:4 59:5,5 62:24 63:23 100:24 103:2 134:20 137:6,13 168:3,5 generally 9:25 21:24 33:5 36:8 37:19 38:10 39:19 40:8,8 46:18 74:8 75:15 85:11 91:2 97:21 106:7 117:14 125:15 139:22 171:16 172:18,21 175:9 183:17 183:24 190:12 192:24 generic 40:9 42:10 geographic 107:21 192:5 geographical 116:7 gestures 7:19 getting 126:3 give 7:9,11,18 27:9 75:24 152:12 163:4,6 173:6 188:19 given 125:25 164:22 177:16 195:12 197:9 gives 52:2 giving 162:13 glean 33:14 global 138:4 go 14:14 23:20 30:17 34:24 42:17 43:3 75:21 100:10 111:15 117:24 120:12 129:25 139:15,23 142:25 152:15 173:5,12,25 174:7,8 175:3 178:6 185:3 193:11 goes 25:19 75:16 152:12 181:7 going 7:4,14 8:2,18 26:11 59:18 74:9 75:24 86:17 98:2 104:16 105:4 108:10 145:19,22 148:22 148:24 154:10 159:14 166:25 167:4 172:10 175:11 192:15 194:3 good 6:4 55:13,22 56:7,10,11 60:16 60:17 74:14 86:15 98:4 106:24 107:18 108:18 113:6 118:7 119:19 139:25 142:19 149:5 165:11 175:3 GORDON 2:10</p>	<p>gosh 72:6 government 91:12 graduate 27:23 28:9,11,14 29:24 graduated 122:24 granted 173:9 great 113:16 153:18 greater 124:4 gross 149:24 150:2 151:7 ground 8:17 grounds 178:14 group 84:22 173:21 groups 124:20 grown 124:3 GUERON 2:6 guess 19:17 34:24 121:10 128:16 guidance 28:2</p> <hr/> <p>H</p> <hr/> <p>H 196:6 half 74:11 hand 133:6 197:16 handbook 66:5,9 68:4,16 89:4 90:3 91:11,12,18 92:22,25 94:23 96:24 97:10,15 184:5 185:12 happen 21:25 122:19 happened 12:6 happens 40:9 110:24 happy 6:16 8:10 hard 81:16 108:17 150:13 head 149:5 heading 64:8 health 167:9,20 170:23 hear 6:11 7:21 8:2 160:21 heard 53:8 hearsay 146:22 heavily 66:9 70:25 heifer 22:24 held 1:21 55:8 58:21 153:16 help 35:10 39:16 40:24 101:25 107:17 125:5 193:20 helped 10:25 helpful 40:23 42:14 78:4 114:17 115:5 117:16 180:19 hereinbefore 197:7 hereto 3:5 hereunto 197:15 high 144:3 148:7 157:10 higher 144:5 159:22 171:15 highly 116:12 128:11,23 182:19 183:10 184:10 hired 42:17 67:25 191:20 Hispanic 169:23 history 22:23 24:2 44:19 46:10 52:2 55:14,15 59:15 70:5 114:13 161:6 hold 184:9 Holdings 1:8,9 2:11,16 58:22 69:24 hole 160:7,11 honestly 83:6 95:22,22</p>
--	---	---

Hooft 67:8,11,18 hope 116:3 hour 74:11 hours 30:16 67:6 housed 120:15 Howard 47:15,16 48:9 hundreds 173:14 Hunters 89:21 hypothetical 179:22,23	includes 78:25 79:6 124:7 including 9:18 64:18 72:10 76:11 105:9 137:19 170:19 171:19 181:12 inclusive 20:18 income 35:3 37:12 143:20 150:2 incorporated 71:23 90:13 91:19 125:20 168:11 incorporates 143:9 incorrect 134:3 increase 66:2 increased 108:21,22 Indeed.com 176:2,7,12 177:14 independent 59:9 60:4,11 84:5 independently 12:18 99:22 index 1:7 53:7 112:4 indicate 87:18 169:22 191:24 192:4 192:25 indicated 73:2 77:12 78:15 100:24 114:9 116:18 117:15 124:18 129:7 132:8 158:25 159:4 168:12 187:17 193:2 indicates 52:11 124:21 189:22,23 189:24 indicating 186:4 188:10 indication 18:4 131:13 183:15 189:7 indicator 189:14,16 individual 1:10,10,11 36:3,12 61:9 106:6 124:2 125:16 126:23 153:15 individualized 167:15 individuals 38:7 79:3 84:14 102:22 136:3 162:11,14,24 industrial 52:14 110:2 111:20,25 112:7 139:3,5 140:24 141:7 industries 109:23 110:10 industry 107:24 109:21 110:4 114:12 145:24 inference 190:21,22 inform 108:5 information 11:23 13:13 15:11 18:15,25 33:15 53:2,19,25 61:18 63:20 72:14 83:13,15 130:5,6 134:9 148:4 149:14 174:20 185:21 186:19 191:11,14,18,22 192:10,13 inherent 79:4 injured 85:12 injuries 127:10,19 injury 35:23 73:22 85:19,22 87:17 129:2,4 input 99:7 inquiry 167:15 inside 25:6 61:9 instance 115:21 147:8 153:12 155:6 instances 160:19 instruct 23:17	instructed 8:4 instructions 133:7 instrument 20:10 intact 85:25 intellectual 50:9 intend 8:12 intended 8:13 40:25 intensity 65:25 intensive 68:2 intent 173:16 intention 149:11 interest 91:4 interested 18:18 197:13 interestingly 162:10 interject 74:10 86:6 internal 59:6 174:17 191:4 internally 111:16 142:23 170:8,15 174:13 interpersonal 134:10 interrupting 7:5 interval 165:24 interview 42:17,19 56:12 110:22,23 122:4,9 interviewed 187:16 interviews 68:14 introduce 148:25 introduction 167:3,5,7 introductions 159:24 investment 136:11 invited 56:12 122:4,9 involve 133:6 involved 39:14 46:22 50:12 124:20 127:8 129:2 180:21 187:21,23 193:13 involvement 123:22 involving 165:23 issue 55:24 188:12 Issues 35:2,4 37:11 item 39:16 90:16 91:5 93:5 94:3 items 33:10 34:13 41:14 76:5,6 77:13,17 93:13,18,23,23 97:5,13 97:19 106:20 147:17
I		J
i.e 142:20 icon 149:4 idea 118:7 180:9,12 identical 115:20 116:5 152:19 155:3 identification 17:11,16 26:15 identified 14:18 26:17 45:9 64:18 77:7 94:19 96:20 100:19 105:23 147:18 153:20 165:14 identify 66:21 70:23 94:4,13 139:8 139:12 147:14 identifying 96:6 139:19 III 71:16 illness 73:23 129:4,5,7 immediate 148:15 immediately 108:6 119:9 impact 157:12 158:4 167:9 178:4 impacted 73:24 impacts 161:20 impaired 186:8,20 impairment 185:21 186:2,10,11,15 impairs 9:5 implication 95:17 implies 157:5 imply 79:19 important 7:17 90:2 92:16 95:21 110:3 113:12,23 114:5 117:10 167:4 impossible 115:24 Imputed 35:2 37:11 in-depth 58:16 inability 129:8 incapsulate 76:6 include 20:21,24 21:3,7 32:13,16 33:6 36:10 56:17 76:9 78:25 97:23 98:9 107:5,12 109:24 114:24 115:21 117:12,19 119:8 120:5,13 126:10,17 132:24 134:22 137:11 141:15,16 156:3 161:24 170:3,7,10,14,18,21,23 171:2,17 176:23 188:7,21 189:8 193:8 included 10:5 56:16 71:8 72:23 78:13 115:3 121:22 130:7 136:16 136:23 139:13 147:23 157:17 173:24 181:6 186:15 188:3 191:14		January 44:3 49:8 65:19 69:24 182:11 Jason 90:2 JC 111:14 Jennifer 1:4 2:21 17:13 Jersey 117:3 118:6 job 14:17,25 15:13,17 20:3 21:4 23:10 24:10 25:3,5,7,14 34:17 36:18,23 37:6,7 38:14 42:9,19 44:3,23 45:5 48:16 51:15,25 52:7 52:9,17,19,21 53:2,2,19,25 54:5 55:14,17,25 56:9 57:19,19,19 58:19,19 60:13 64:10,15,22 65:2 65:22,25 66:10,21,25 67:5,6,12

67:16,18,21,22,24,25 68:7,12,14 68:17,17 69:6,7,23 70:10 71:5,11 72:9 75:6 82:18 87:23 88:6 89:21 90:2,4,4,9 92:17,22,23 95:8,11,18 95:21 96:25,25 98:4,6 101:25 105:4,7,23,24 106:2,7,14,22 108:20,23 109:2,8,17 110:18 112:3,18,23,24,24 113:14 114:9 114:11 115:8,22 116:17 117:14 117:17,19 119:20 120:16,18 124:25 129:10,13,19 131:11,16 135:11,13,15 136:2,17 138:12,15 138:15,21 139:8,23 140:13,16 145:24 151:25 152:3,11,13 153:4 153:7,9,17,22,24 155:7,12 156:9 156:19 157:3,12,21 158:5 159:19 160:2,13 161:11,15,19 162:4,9,18 162:20 163:18,24 166:3,8 167:10 168:2 172:14 173:23,24,24 174:21,22,23,25 175:3,11,19,24 175:24 176:12,17,23 177:3,7 179:25 182:13,18,22 184:5,5 185:16,16 186:4 187:20 188:14 188:22 189:11,15,16,18,19,23 190:19 191:10,17,24 192:12,24 193:2,5,11 job's 137:25 jobs 16:25 47:22,25 48:7 51:25 53:14,14 54:2,9,10,13,14 55:8,9 55:10,19,22 56:7,16,17 72:23 75:10 76:11 82:4,7,8 84:7,12 85:13 89:5 91:11 100:12,13,18,20 101:2,4 102:5,10,17 103:5 105:5 105:22 106:25 107:4,10,12 109:4 109:14,17 110:17 111:21 112:14 112:14,21 113:9,10,18 114:4,23 116:24 117:12,12 119:4,8 120:5,9 120:14 121:22,24 124:24 135:7 136:4 137:19,22 139:2,8,12,19 153:12,19,25 154:13 155:20,21 155:25 156:11 159:13,22,23 170:7 171:19,20,25 172:3,19,22 173:2,14,17 174:4,12 175:10 176:7,16 177:3 181:13 182:3,11 182:15 183:11 185:8,8,10,11 188:20 190:3,24 191:16 193:8 JobStats 12:4,18 13:11,16,20 14:2 14:16,19 15:7,10 18:15,25 19:5 55:12,18,24 58:2,11 99:23 105:6 108:11 109:4 112:25 113:10 124:24 141:3 156:12 171:20 173:18 175:24 177:19 179:18 180:11,14 182:23 188:13 189:10 JobStats' 12:10 16:12,16,23 57:6 57:12,22 112:15 135:22 172:14 172:15 176:17,22 178:3 189:3 JOHN 1:11 Jolly 2:18 5:6 194:5	Journal 35:11 64:19 judge 115:2 judgment 114:18,21,25 115:20 128:6,20 138:14,18 140:10,12 166:12,15 junior 172:2 jurisdiction 180:3 jury 9:15 <hr/> K K 195:2 KANE 2:3 Kanfer 66:4 68:3 keep 145:22 keywords 55:23,25 105:23 140:19 175:4 177:3 kind 8:13 37:18 41:24 129:4 132:18 163:10 kinds 36:15 46:25 50:7 107:22 knew 186:4 190:17 know 6:12,15,17,21 7:10 8:10 13:25 18:23 19:2,12,17,18 21:11,18,18 22:3,7 24:14 34:13 50:8 52:22 56:22 57:15,15,16 59:17 60:2 68:24 74:22 75:14,23 76:17 81:5 82:3,6,17 84:19 88:8 90:14 91:3 92:19 98:13,18 101:3 117:4,17 118:25 119:22 120:9,21,23 121:3 121:5,21 124:10 129:3 130:14 131:20 133:12 134:2 135:14,16 143:8 148:22,24 149:12,23 150:7 151:18 152:14 156:8,11 162:5,12 163:5,5,9,12 164:4,10 168:18 169:8,11 171:9 172:22 173:11,12 173:25 174:22 175:2,23 176:6 177:13,18,21,24 179:2 180:7,10 180:13,19 181:18 187:16 189:20 190:3,8,15,23 191:3 knowing 59:10 82:20 104:15 knowledge 5:8 22:10,23 29:9 44:17 46:3,5 52:2 58:17 59:10,13 60:5 60:12 63:23 80:4 84:5,11 89:2 93:3 100:8,10 101:16 102:7 103:15 104:8,13 105:8,10,15 106:3,24 109:18 113:11 117:21 118:2 127:11 137:24 139:24 142:22 144:23 145:16 146:5 150:6 167:21 170:13 173:2 178:2 185:15 known 25:4 95:24 126:8 knows 149:6 <hr/> L L 1:1 2:1,5,13 3:1 4:1 5:1,15 195:2 label 115:6 labeled 26:12 labor 11:2 12:4 28:23,25 29:5,10 31:12 36:8 37:21 44:21 48:11	53:15,21 54:2,14 55:9,11 70:12 71:9 73:25 76:9 78:25 86:2 143:8 144:7 145:19 156:25,25 157:17 168:9 182:6 185:13,14 188:15 190:2 land 62:15 language 107:22 large 182:4 larger 191:16 lastly 23:8 late 142:15 157:5 latitudes 169:24 law 4:18 8:7 35:7,11,19,24 36:12 38:4 39:19 50:6,8 59:7,8 106:3 107:23 119:23,25 122:22,25 183:20 lawful 119:22,25 lawsuit 166:19 lawsuits 9:11,13 lawyer 24:3 26:3 50:12 110:6 163:7 lawyers 139:6,6,23 174:24 lay 62:14 layers 61:14 layperson 113:18,22 114:2 lead 10:24 49:12 134:19 137:6,13 leadership 72:12 123:23 learning 42:8 132:18 leave 192:8 left 87:5 legal 34:19 35:8 37:2 38:5 41:19 47:16,19 48:13,19,22,24 49:12 50:8 59:19,19 60:6,13,13,15,21 60:24 61:3,5 62:19 63:24 64:4 68:18,24 69:9 82:9 84:17,20 105:12 125:4 133:19,23 134:6,19 135:5,12 136:3 138:4 151:19 154:7,19 155:3,15 165:7 181:7,9 181:16 legally 163:6 legislative 138:6 length 157:12,21 158:4 161:25 163:16 lengthy 145:2 lessen 153:16 lesser 153:6,7,9 155:20,21,24 let's 32:6 33:2,12 42:12 43:3 56:6 62:11 86:19 89:5,23 95:10 115:17 124:7 178:22 180:25 level 57:21 58:20,25 66:11 75:8 78:3 104:8 107:2,12,15,16 136:4 136:13 155:18 158:3 159:23 169:3,21 171:15 189:9,24 levels 59:4 168:20 Lexington 2:16 license 119:4,24 120:2 121:4,5,7,8 121:10,12,24 licensing 41:25 120:22,22,23 licensure 105:9 109:19 118:21,23
---	--	---

<p>119:2,21 121:16 life 111:13 124:6 132:21 likelihood 164:17 likelihoods 165:10 limit 31:9 limitations 31:7 131:15 limited 71:2 132:16 144:17 157:25 175:24 186:6 line 87:6 140:12 152:15,17,24 154:4 155:9 lines 155:13 LinkedIn 45:19 50:20,24 51:6 71:2 162:11 173:24 177:5,7 list 17:25 31:22,25 32:7,12,21,21 33:2 34:12,14 39:16 40:12 66:20 72:19 75:13,15 88:20 141:7 169:22 182:22 listed 17:2 18:11,20 27:13 71:16 78:12,21 82:13,19,24 83:9,20,23 97:6 112:24 113:9 119:9 156:12 172:19 174:23 176:17 190:24 192:21,22,24 listening 72:16 120:19 listing 55:17,24 71:21 181:6 listings 156:2 lists 32:9 93:16 140:25 literature 27:18 87:11,20 88:11,13 88:25 89:6,8,12 125:17 127:3,7 143:4 184:20 litigation 4:19 36:7,8 39:21 70:22 81:11 87:22 146:25 178:16 litigations 178:23 little 7:6 15:5 16:9 154:16 178:18 live 118:13 lived 116:11 117:2 118:11 living 118:4 130:20 LLP 2:3,6,10,15 local 44:21 53:20 54:2,14 55:9,11 86:2 located 105:25 117:15,17 120:15 location 107:21 116:7 117:20 locations 4:10 192:5 long 65:11 74:12 86:9,13 92:9 119:15 190:3,6 longer 39:3 90:7 132:17 156:18 look 13:18 23:21 24:15 37:3 59:24 65:8 91:3 98:11 105:22,24 106:11 123:16 127:14 140:12 155:15 168:20,21,21,25 169:11,13,15,18 172:4 185:6 188:9 looked 13:22 54:5 55:10,23 56:23 95:14 109:17 110:16 116:17 121:20 134:15 143:23 150:8 156:22 163:18 167:22 171:10 172:5,6 183:20 looking 17:22 18:24 26:20 36:22 37:14 38:15 42:22 49:2 50:20 68:11,25 75:7 95:17 98:3 100:25</p>	<p>106:19 112:18 137:20,21 142:18 175:3 177:3 188:18 Lord 62:11,17 63:3,6 81:23 82:4 84:8,12,22 loss 68:17 90:4 92:23 96:25 184:5 lost 162:25 164:24 lot 90:20 110:5 113:5 127:9 138:5 144:15 174:14 175:17 176:25 181:18 189:8 lots 113:22 loud 6:17 loudly 6:18 low 25:8 lower 108:21 168:24 lunch 86:17,23 luncheon 87:3</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>M 195:2 M.A 17:12 maintain 30:20 65:23 major 25:13 27:18 50:6 165:12 182:3 majority 124:6 making 48:13 104:24 138:23 140:21 160:24 191:8 malpractice 85:20 manage 142:24 management 138:6 157:4,4,16,18 168:20 169:2,20 manager 157:9 managing 36:15 46:20 Manhattan 46:22 116:14 manifests 186:11 manipulation 133:6 manner 4:15 125:12 MANSUKHANI 2:10 manual 89:21 95:7 manufacturing 110:2 marital 39:24 Mark 17:10 marked 17:15 26:12,14 markedly 49:9,17,21 50:2 51:13 134:16 market 11:2 12:4 28:23,25 29:6,10 31:12 36:8 37:21 42:9 44:21 48:11 53:15,21 54:3,14 55:9,11 59:19 70:12 71:9 74:2 76:9 78:25 86:3 144:7 145:19 174:20 175:19 175:25 182:6 188:15 189:11,18 marketing 42:11 151:9 marketplace 61:7 62:15 188:20 markets 190:2 marriage 197:11 Mary 92:14 95:4 massive 13:17 Master 27:23 match 76:13</p>	<p>material 18:13 27:5,7 97:14 151:11 175:25 176:2 183:8,23 materials 17:25 18:5,19 mathematical 53:12,16 103:15 matrimonial 34:18,22 36:24 40:6 40:10,13 matter 22:4,9 25:19 27:6,9,12 35:20 37:16,23 39:15 40:10,15 43:11 52:20 62:4,10 63:4,7,16,18 63:22 81:13,15,20 82:22 85:6 88:15 91:24 94:8 102:18 103:21 103:22 104:2,4,17 128:6 138:13 138:17 160:19 167:13 197:14 matters 35:19 36:15 40:7 50:8,11 63:25 88:3 163:8 Matthew 2:5 86:12 mean 20:7 43:7,8 47:12 51:22 54:10 99:6 103:24 107:15 110:25 123:12 126:20,21 133:2 135:3 144:15 154:5 158:25 164:14 171:23 173:11 179:6,7 183:5 185:25 186:8 187:10,12 192:23 193:4 means 51:24 112:3 145:19 meant 151:7 measure 165:23 media 34:19 35:8 37:2 38:5 46:24 median 168:13 169:3 medical 8:25 9:4 85:19 129:24 130:22,24,25 131:3,6,8,13,23 132:4 188:10 medication 8:21 meet 10:10,12 24:6 36:5 39:12 156:6 meetings 159:25 188:23 meets 30:13 member 30:21 members 148:21 memory 9:5 mental 77:25 129:5,7,16 167:9,20 170:23 mentally 106:20 mention 37:13 99:10 mentioned 29:16 70:6 71:9 94:20 95:15 97:9 99:23 107:3 115:25 126:4 138:2 157:16 163:18 184:8 mentor 142:22 mergers 50:9 met 15:13,20 23:9 25:4 methodical 54:20 methodological 55:7 methodologies 94:6,9,18 methodology 30:14 35:25 69:14 70:2,4,16,19 71:14 73:11 76:18 77:6,8 79:16,20,22 80:6 85:15 91:14,17,19,23 94:14,16 96:6,9 96:10,12,14 98:20 110:18 111:10 111:21 112:8,12,17 125:10,24</p>
---	--	--

127:9 128:15 137:5,11,16,20 183:24 Metro 117:9 metropolitan 143:25 Michael 62:11,17 63:3,6 81:23 82:4 82:7 84:8,12,22 microphones 6:12 mid 142:15 143:2,6 midlevel 47:6 Midwest 10:25 mind 156:5 minimal 24:6 65:16 67:2 177:17 minimum 29:23 30:5,7,12 67:4,15 75:25 minor 75:22 minors 27:19 minute 74:13 minutes 74:13,16 86:16,19,23,24 86:24,25 mischaracterize 161:23 mischaracterizing 145:10 192:19 mistaken 75:12 mitigate 68:21 107:17 151:20 153:16 167:7 Mitsubishi 1:8,9,9 2:10,16 25:10 26:5,7 50:5 54:11 55:8,20 58:21 69:24 110:8 112:14 120:16,18,25 124:25 127:13 130:16 149:17 156:9 162:6,15,18,23 163:11 182:17 model 71:19,23 72:2,5 73:6,9,15,20 73:21 74:7,8,24 75:4,18 77:3,5,10 77:15,19,22 78:18,23 79:8 80:2,3 80:14,16 81:2,17 84:24,25 85:11 85:18,23 87:7,13,17,21 96:15,19 96:22 97:7 98:9,16,21 123:5,9,15 183:14,17 184:14,16 185:2,3,7,20 187:14 models 73:17 74:6 87:9 moment 87:15 89:17 90:11 98:12 120:8,11 154:10 184:9 money 64:20 144:16 month 25:9 months 119:19 158:12,14 159:11 165:19,22 166:9 morning 6:4 mother 149:4 159:3 motion 179:7 motivated 67:21 move 34:16,16 40:24 123:17 132:20 137:3 151:18 multiple 24:19 67:23 74:6 77:5,7,18 95:5 102:22 110:10 multiyear 65:22 Musacchia 1:23 4:22 5:17 197:4,19	195:2,2 196:2 name 5:22 184:15 national 29:13 86:3 natural 125:21 nature 10:8,21 46:18 87:18 116:19 133:7 136:2 138:5 142:14 near 117:24 necessarily 13:17 53:8 73:21 91:20 110:3 126:18,19 135:25 152:16 158:25 170:6 181:25 185:4 186:8 187:25 necessary 72:13 78:4,10 79:23 80:2 80:17,19,22 87:10 112:2 127:8,23 157:18 175:2 188:3 191:15 necessitate 24:9 necessity 128:5 need 6:15 38:8,19 72:19,25 74:10 74:13 76:18 103:24 104:15 113:8 117:7 132:25 152:18 178:18 needed 162:25 188:8,11 needs 8:16 negative 164:23 165:20 neither 130:18 131:12 net 149:24 150:2 151:7 networking 89:25 92:16 95:21 125:3 159:13,24 167:3,4 188:23 Neuron 173:21 never 121:19 new 1:2,24 2:4,8,8,12,12,17,17 5:18 6:2,3 7:7 26:2 27:24 35:7,11 38:4 64:20 67:22 85:13 93:9 95:8 116:13 117:3,3,8 118:5 119:4,13 119:23 120:2,6 121:16,22 127:14 143:25 149:19 164:25 195:4,24 197:5 newly 124:2 News 64:21 Nicholas 1:9 2:11 nine 89:19 92:10 119:19 Non-Party 1:20 non-work 123:22 normally 18:8 126:10,17 132:24 173:11 North 117:9 Notary 1:23 3:17 5:17 195:24 197:4 note 163:3 193:5 noted 67:4 193:4 nuances 113:12 number 8:12 15:18 25:9 48:9 61:5 65:4 70:20 79:4,6 89:4,18,19,24 90:3,17 91:5,10 92:10,15 93:4,14 93:14,15 94:22,22,22,23 99:17 100:12 102:4 108:17,21 109:2 122:19 161:20 169:12 176:23 191:18 192:14 numbers 14:5,9,12,14,16,17,25 15:6,12 57:15 93:20 115:4 143:9 numerically 10:8	numerous 58:20 59:22 64:16 76:11 81:25
O		
O 1:1 2:1 3:1 4:1 5:1,15 195:2 oath 4:8 8:7 195:9 objection 4:25 5:3 7:21 8:2 12:12 13:2 16:19 19:9,14 38:25 41:3 44:5 48:18 50:25 51:9 54:15 57:3 57:14,24 58:6,10 60:8 61:25 68:8 68:22 69:4,10 73:16 79:21 80:9 80:15 81:4 85:4 88:7 89:13 96:21 101:20 103:7,16 104:3,11 110:14 111:7,23 112:6 113:4,20 114:7,20 115:23 122:2,7,12 123:11 124:17 125:13 128:22 129:20 130:10 132:2,12 136:20 139:14 140:4 141:23 145:6 146:18 147:6,21 151:22 152:2,22,24 154:4,9,9 155:11 157:14 159:17 160:10 161:22 164:2,9,19 165:17 166:5 166:14 167:18 168:4 175:14 176:10,20,24 179:22 180:17 183:19 185:23 188:17 189:6 190:11 192:18 193:10 objections 3:11 7:24,24 objective 81:8 140:6 153:8 obligated 152:20 153:6 154:12 obligation 152:15,17 observations 126:10,14 187:2 observing 151:14 obstacles 40:23 obtain 12:18 15:10 29:21 110:22 126:11,13 147:22 obtained 12:24 121:16,23 obtaining 67:21 128:16 obvious 72:18 obviously 24:22 67:15 70:20 111:15 131:11 occasion 48:10 occasions 82:2 occupation 31:13 72:10 occupational 35:2,4 37:11 138:23 140:24 185:12 occupations 23:2 116:3 169:13 189:25 occurred 174:2 179:10 180:6 offer 11:24 42:19 offered 22:3 24:6 32:22 offering 22:5,19 23:18 25:15,18 43:17 office 12:22 13:7,9,22 16:2,4,13 officer 134:19 135:12 136:5,9,11 138:4 181:9 officer/counsel 49:12 oh 57:18 72:6 97:18 102:21 150:23 okay 6:4 9:17 10:9 15:12,16 17:5 20:5 21:16 23:12,15 25:15 37:25		
N		
N 1:1,1 2:1,1,2 3:1,1 4:1,1 5:1,1,15		

<p>40:4 45:12 55:5 56:3 59:9 60:4 65:10 67:17 71:14 74:21 75:4 79:6 85:15 88:16 90:12,15 91:8 92:6 96:10 100:15 104:16 106:15 108:4 113:3 130:22 137:16 146:6 146:7,24 152:20,25 153:2 154:10 155:20 160:18 163:22 165:2 178:20 186:21,24 193:7</p> <p>old 2:4 142:5 156:20</p> <p>Oliva 1:9 2:11</p> <p>once 13:8 15:10</p> <p>one's 187:11</p> <p>ones 22:8 33:11 42:7 48:3,4 90:10 100:22 106:20 139:9</p> <p>online 64:17 97:21,23 105:5 159:25 175:3 188:24</p> <p>open 135:4</p> <p>opening 112:22</p> <p>openings 14:18,25 182:19 188:14</p> <p>opine 19:13 98:24 134:25</p> <p>opined 154:23</p> <p>opining 167:25 168:2</p> <p>opinion 12:2 22:11 24:5,19,21,25 25:6,8,13,24 44:8,10 58:15 62:9 68:6,15 69:15,16,18,19,20 70:3 81:19 85:8 97:25 125:7 132:11 149:22 161:14 179:24 185:5</p> <p>opinions 11:23 22:4,5,8,18,20 23:18 24:5,18,20 25:11,16,18 43:17,25 62:4 69:20 89:10 125:7 147:10,15 180:3,8,10</p> <p>opportunities 45:5 67:23 155:13 188:19 189:4 192:2</p> <p>opportunity 7:10,11 24:15 31:13 36:5 107:17 126:15 167:6 192:15 193:3</p> <p>opposing 178:17</p> <p>option 135:4</p> <p>Orange 118:7</p> <p>order 16:5 22:14 125:5 141:5 194:3 194:5</p> <p>ordered 13:22 19:7</p> <p>ordinarily 19:3</p> <p>organization 12:5 29:13 30:21 187:22</p> <p>organizational 52:14</p> <p>originally 85:14,20</p> <p>outcome 131:24 197:14</p> <p>outer 116:15</p> <p>outlined 88:9</p> <p>outside 59:8 61:10 117:3 120:5 188:24</p> <p>overall 114:11</p> <p>overlap 21:19 43:10 57:4,7 112:13</p> <p>overlapped 21:15</p> <p>overlaps 21:12 112:10</p> <p>overqualified 171:21</p> <p>overriding 98:13</p>	<p>oversight 18:8</p> <p>Oxford 66:4 68:4,16 90:3 92:22 96:24 97:10,14 184:4,5</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P 2:2,2</p> <p>p.m 194:8</p> <p>packed 91:22</p> <p>page 14:22,23 17:20 23:22,24 24:13 25:23 33:3 34:25,25 35:16 36:18 36:22 37:9 42:17 48:25 49:6 64:6 64:8 65:14 66:5,6,6 67:2 68:4,11 68:17 69:20 70:15 88:18 94:12,16 96:5 134:14 143:13,14 181:4 182:5 196:3,7</p> <p>pages 96:11</p> <p>panelist 33:17</p> <p>panoply 136:13</p> <p>paper 90:6</p> <p>Paquette 184:17</p> <p>Parachute 89:20 92:11</p> <p>paragraph 58:13 64:8,11,14 65:17 68:12 181:5 182:8</p> <p>parallel 67:24</p> <p>parameters 13:18,19,23 155:15</p> <p>Pareto 175:6</p> <p>Park 2:12</p> <p>parlance 51:23</p> <p>parse 52:22</p> <p>part 40:21 47:15 59:20 71:18 93:25 100:2 107:10 108:8 116:6 125:8 125:14,17 142:2 148:12 176:13</p> <p>participated 31:19</p> <p>participates 8:12</p> <p>participating 4:11</p> <p>particular 37:23 43:11 55:20 60:6 60:13 72:10 88:15 104:4 110:4 139:2 140:13 143:4 145:24 167:16 183:11 189:25,25 190:23 192:4</p> <p>particularly 10:7 39:24 56:10 73:19 85:19 105:12 113:12 157:3</p> <p>parties 3:5 4:4,16 7:23 40:5,6 197:12</p> <p>Parties' 35:10 39:17</p> <p>partner 12:5 46:20,23 63:10</p> <p>partners 62:23</p> <p>party 178:15 179:12</p> <p>party's 178:17</p> <p>pass 30:18 122:11,15 123:3</p> <p>pay 153:12 156:12 177:9</p> <p>paying 168:25</p> <p>PDF 26:12</p> <p>peer 31:16,19 91:5,9 92:6,8,12,14 92:19 93:3,5,7,10 94:11 95:25 97:14,17 184:13</p> <p>peers 30:12 93:8</p> <p>penetration 174:20</p>	<p>people 38:21 39:5,8 47:5 87:17 113:6 129:12,15 144:6 159:22 164:4,23 169:12 176:4</p> <p>perceived 167:8</p> <p>percent 102:10 107:11 144:9 156:2 166:2,7,7 175:10,11</p> <p>percentage 100:12,18 102:16 103:5 164:6</p> <p>percentages 174:17</p> <p>perform 10:25 21:14 37:4 44:2 47:18 54:20 69:22 72:9,25 102:20 106:22 111:16 120:3,3 127:23 129:8 130:20 131:10,16</p> <p>performance 174:24</p> <p>performed 21:23 52:19 55:16 56:20 72:24 73:25 76:25 78:2,11 100:3 100:5 101:14,19 104:9 107:9 112:4,19 131:2 187:19</p> <p>performing 21:7 24:8 31:5 78:24 101:6 133:13 186:7 187:18</p> <p>performs 126:23</p> <p>period 23:10 25:9,25 30:22 36:13 38:12,23 42:24 65:22,24 101:4 119:12 123:25 163:5 186:6 188:16 189:12</p> <p>periods 190:6,9</p> <p>permission 13:9 15:10 65:8</p> <p>permitted 4:7 30:15</p> <p>person 7:3 38:18 110:20,24 156:7 156:19 167:10,19 168:6</p> <p>person's 21:4 31:4 88:6 123:4 125:11 126:3 185:14</p> <p>personal 35:23 84:11 85:19 110:12 159:15 161:6 167:7 172:25 174:19</p> <p>personally 7:6 108:13</p> <p>pertain 15:12 125:6 184:22</p> <p>pertaining 44:23 54:2 90:15</p> <p>PGIM 181:9</p> <p>Philadelphia 117:4</p> <p>phrase 51:21 67:18 189:19</p> <p>physical 7:19 77:24 127:20 129:3,4</p> <p>physically 4:24</p> <p>physicians 132:6,8</p> <p>picture 188:13</p> <p>piece 75:15 125:9,19 157:16 186:2</p> <p>pioneers 95:5</p> <p>place 62:23 124:6 128:2 151:16</p> <p>placeable 164:5,13</p> <p>placed 47:5,25 48:6 110:16 164:7</p> <p>placement 48:16 164:15,18</p> <p>placements 48:13</p> <p>places 118:11</p> <p>placing 47:21 48:13</p> <p>plaintiff 1:5,21 2:3 68:19 151:25 152:14 153:3</p> <p>plaintiff's 151:20 155:7 196:7</p> <p>plan 37:6 129:13</p>
---	---	--

<p>planned 25:3</p> <p>plans 130:21 132:20,21</p> <p>platform 4:11</p> <p>Plaza 2:12</p> <p>please 5:22,24 6:12,14,17,21 7:10 7:13 8:10 17:7,20 19:9 25:21 26:10 43:13 74:12 89:7 98:12 105:19 108:5 123:7 145:9 151:17 163:3</p> <p>plus 90:25</p> <p>point 7:8 8:9 16:8 19:8 36:21 86:7 87:11,20 90:10 108:23 121:14 140:21 188:19</p> <p>Pomeranz 184:17</p> <p>pool 169:10 170:4,5</p> <p>pop 175:5</p> <p>population 91:4 169:16</p> <p>portion 24:17 25:12 49:2 56:7 66:18 175:25 176:3 179:24</p> <p>position 61:8 106:7 111:13,19 112:22 139:7 142:9,16 161:2 168:25 169:8 181:21 189:2</p> <p>positioned 49:10 59:16 127:14 134:17</p> <p>positions 49:11 53:20 58:20 59:2,11 59:19 60:6,17 71:4 110:19 116:2 134:18 135:18,20,22 137:7,12 169:21 181:6,13,18,23,25 192:16</p> <p>positive 122:5 142:21 162:13</p> <p>possess 12:23 101:24</p> <p>possession 136:6</p> <p>possibilities 165:9</p> <p>possibility 122:14,17,18 129:9 164:14 168:13 178:9</p> <p>possible 36:6 40:19 122:3 128:9,11 128:21 150:19,21 164:22 165:2,4 176:12,15</p> <p>possibly 121:23 164:11</p> <p>post 73:22 85:22 87:17 127:10 176:4</p> <p>posted 14:18 105:5 170:8 173:18,22 173:22 174:5,12,14 175:11 176:7 176:12 189:23 190:4,7,9,13,18</p> <p>postgraduate 27:21</p> <p>posting 64:22 160:13 172:16 192:12</p> <p>postings 15:13,17 108:11,14,16,18 109:9 117:15 136:17 172:14 173:24 175:24 182:22 188:24 191:10,17,24</p> <p>potential 45:5 71:5 94:25 135:23 148:7,13 167:6 182:15</p> <p>potentially 54:4</p> <p>Poughkeepsie 117:24</p> <p>Practical 89:21</p> <p>practice 47:16 91:20 119:23,25</p> <p>practiced 24:4</p> <p>practices 21:24</p>	<p>practicing 122:21</p> <p>practitioner 148:16</p> <p>practitioners 130:24</p> <p>pre 85:21 87:17 127:10</p> <p>pre-post 73:23</p> <p>preferred 106:10</p> <p>premise 91:14</p> <p>preparation 61:4,19 62:8 89:9 100:8</p> <p>prepare 9:20 10:2 98:25 99:5</p> <p>prepared 10:6 17:12 99:6</p> <p>preparing 11:24 32:14 83:5 88:11 101:7</p> <p>presence 4:24</p> <p>present 2:9,20 4:4 45:6</p> <p>presentation 33:21 34:10,15 106:24 126:12</p> <p>presentations 33:6,10 41:14,16 42:3,20,24</p> <p>presented 42:4 132:7</p> <p>presenter 33:16,19,25 34:3</p> <p>presents 39:6</p> <p>preserve 7:24</p> <p>president 181:7,8,9,15</p> <p>Press 184:6</p> <p>presume 115:17</p> <p>pretty 14:20,22,23 15:8 20:16,17 27:3 39:18 40:17 43:4 72:16 90:21 98:7 106:9 115:2 118:7 135:10 138:11 155:14 157:7 168:11</p> <p>previously 61:24 67:4 81:22 134:16 137:21 171:2 184:25 191:7</p> <p>primarily 36:4 41:4,16 42:4,11 43:8 85:15 102:23 105:4 106:5 116:17 117:8 177:5</p> <p>primary 36:14 50:22 185:4</p> <p>Primavera 2:13 5:5,7,11,14 12:12 13:2 16:19 19:9,14 38:25 41:3 44:5 48:18 50:25 51:9 54:15 57:3 57:14,24 58:6,10 60:8 61:25 68:8 68:22 69:4,10 73:16 74:9 79:21 80:9,15 81:4 85:4 86:6,11 88:7 89:13 96:21 101:20 103:7,16,19 104:3,11 110:14 111:7,23 112:6 113:4,20 114:7,20 115:23 122:2,7 122:12 123:11 124:17 125:13 128:22 129:20 130:10 132:2,12 136:20 139:14 140:4 141:23 145:6 146:18 147:6,21 151:22 152:2,22 153:2 154:3 155:11 157:14 159:17 160:10 161:22 164:2,9,19 165:17 166:5,14 167:18 168:4 175:14 176:10,20 176:24 179:22 180:17 183:19 185:23 188:17 189:6 190:11 192:18 193:10,23 194:4,6</p> <p>print 64:17</p>	<p>printed 65:7</p> <p>prior 11:11 50:5 54:9,10,10,13 55:19 66:6 88:11,14 94:21 155:18</p> <p>privacy 181:8</p> <p>privileged 9:23</p> <p>pro 42:20</p> <p>probability 165:14</p> <p>probable 165:5</p> <p>probably 9:16 23:22 75:10 112:10 117:9 126:2 133:4</p> <p>problem 52:4 72:15 74:20</p> <p>Procedure 4:5</p> <p>proceed 8:18 105:21</p> <p>process 31:20 57:17 86:5 105:18,20 139:16 149:3 173:4 176:11,14 179:11 184:11 185:3,5,17 186:7,9</p> <p>processional 1:10</p> <p>produce 73:11 152:8</p> <p>produced 30:10 58:2 81:7</p> <p>product 30:10,14</p> <p>profession 25:5 31:14 81:9 155:16</p> <p>professional 1:10,11 25:8 35:24 38:14 43:5,6 51:23 58:15 61:2,24 69:21 78:3 95:11 96:24 97:12,16 98:20 102:21 114:21 125:10 130:4 142:9 145:17 146:6 157:10 157:11 165:11 169:2,20 171:16 184:7</p> <p>professionals 42:11 60:21,24 61:3 62:7 102:24 110:16 146:16 167:12</p> <p>professions 157:17 169:13</p> <p>professor 152:10</p> <p>proffer 154:11</p> <p>proffered 25:24</p> <p>proficiency 70:24</p> <p>profile 45:19 50:21,24 51:6 71:3 125:15</p> <p>program 75:23</p> <p>project 101:21</p> <p>projects 142:24</p> <p>promote 40:18 125:3</p> <p>promotional 191:25 192:15 193:3</p> <p>proper 113:7</p> <p>properly 102:16</p> <p>property 50:9</p> <p>proportion 156:11</p> <p>prospects 167:16 168:2</p> <p>provide 11:13,15,16,18,20,22,25 12:15 16:25 19:19,23 20:21 22:14 27:12 58:7 99:20 137:17 139:17 145:4 146:14,15 147:9 183:2,16 191:17,25 192:15</p> <p>provided 12:3,11 13:7,7,13 15:6 16:6 18:5,14 21:21 26:19 27:6 31:22 32:2 33:7 36:7 41:20 57:10 57:20 58:4,8 63:21 70:22 82:13 82:15,19,21 83:13,15,17,19 84:6</p>
---	--	---

<p>131:5,23 141:22,25 149:7 160:4 173:17 193:16 provides 29:14 providing 20:9 23:14 62:4 148:9 180:4 proxies 159:3 psychologists 112:8 psychology 27:25 52:14 111:21,25 psychometric 126:17,21,25 127:7 127:23 128:2,5 187:5 public 1:24 3:17 5:17 166:18,20 170:20 195:24 197:4 publication 33:22 34:9 35:14 36:25 90:24 184:3 publications 31:23,25 32:3,8,9,12 32:13,17,22 33:11 64:18 95:25 97:3 published 15:2,13,18 52:25 53:18 53:24,25 64:17 90:21 91:13 93:8 108:20 182:15,18 184:12 188:18 193:11 publishing 46:24,25 47:3 89:25 92:16 pull 17:7 26:10 32:19,25 141:3 purpose 4:18 98:9,12,18,18 123:16 188:13 purposes 72:17 101:21 124:11 pursuant 1:21 4:4 5:12 7:22 20:6 20:10 120:18 147:2 pursue 31:15 67:23 119:3 pursuing 129:19 put 43:12 77:24 115:6 175:4 puts 119:18</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>qualification 124:9 qualifications 24:22 27:8,11 45:3 52:8 70:8 102:19 111:2 135:17 137:23 154:15 185:15 qualified 15:15 31:14 101:18 102:15,25 103:13,20 110:21 133:22 154:14 175:16 182:3,19 183:10 qualifies 103:4 qualify 116:13 quality 37:5 102:2 103:14,21 104:23 105:2,19 106:17 107:9,19 108:2,9 176:14 quantified 130:17 183:6,7 quantify 165:4 quantifying 71:10 quantity 15:17,19 25:7 37:5 68:14 quarter 190:14 queries 13:16 query 13:14,15,17 15:24 16:4,11,15 16:18,22 question 3:12 6:18 7:15,25 8:3 20:8 39:24 48:5 49:19 54:17 66:15,24</p>	<p>66:24 76:23 78:9 84:4 103:3,17 111:3 137:9 140:22 146:19 152:24 157:20 164:11 169:4 179:16 191:6 192:7 questioning 87:6 146:5 154:5 questions 6:8,11,20 7:2 14:21 54:16 100:21 167:14 193:22,23 quick 74:10 180:25 quicker 65:7,9 quickly 155:18 quite 48:5 50:4 59:21 72:6,19 74:25 89:15 102:24 113:13 114:9,15 122:3,22 128:21 149:3 155:21,22 183:14 184:12 quote 58:14 64:15 129:18 quoted 67:12</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R 2:2 5:15,15 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1 124:1 125:1 126:1 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:1 135:1 136:1 137:1 138:1 139:1 140:1 141:1 142:1 143:1 144:1 145:1 146:1 147:1 148:1 149:1 150:1 151:1 152:1 153:1 154:1 155:1 156:1 157:1 158:1 159:1 160:1 161:1 162:1 163:1 164:1 165:1 166:1 167:1 168:1 169:1 170:1 171:1 172:1 173:1 174:1 175:1 176:1 177:1 178:1 179:1 180:1 181:1 182:1 183:1 184:1 185:1 186:1 187:1 188:1 189:1 190:1 191:1 192:1 193:1 194:1 197:2 radius 117:5 range 37:4 62:25 110:9 139:6 150:19 152:12 158:11 ranges 150:18 ranking 157:11</p>	<p>rate 156:8 Raytheon 50:4 110:7 162:6 re-employment 66:10 reach 69:15 70:2 reached 22:7,9 reaching 148:5 read 41:10 66:17,19 76:13 133:16 133:19 195:8 readily 98:2 reads 64:14 real 143:19 144:7,16,22 145:3,12 145:23,23 148:13 149:4,17 150:2 173:19,22 174:6 187:18 really 13:3 35:9 62:14 74:10 75:2 92:9 100:13 107:3 120:3 156:14 176:21 177:9 180:20 182:4 realtor 151:12 realtor's 148:7 reason 97:23 179:19 188:7 reasonable 23:6,10 26:2 58:18 64:15,25 66:21,25 67:18 69:21 88:8 95:11 156:23 157:2 176:18 181:22 reasonableness 87:23 88:6 154:19 154:21,23 155:2,4,7 reasonably 25:8 44:2 67:20 68:7 69:22 171:25 reasons 147:11 recall 18:22 46:14 83:6 87:15,16 104:24 108:3,4 116:18 120:7,11 121:19 162:16 177:5 191:23 receive 160:8 161:7 received 102:3 127:22 recess 87:3 181:3 recollection 83:3 recollections 152:5 recommend 38:10 recommendations 95:6 188:4 recommended 95:24 reconstruct 189:11 reconvene 87:2 record 4:21 5:22,25 7:16 26:18 160:9,24 161:5 195:11,12 197:9 recorded 4:14 recording 4:15 recordkeeping 24:7 records 70:21 129:6,22,24 130:25 131:3,6,8,14,18,21,24 132:3,5,22 182:9 recovering 73:22 recruiter 46:16,17,19 62:18,19 162:24 163:22 164:3,7,8 165:7 170:16 recruiters 47:25 48:6,9 60:2,16 61:6 82:9 163:20 174:15 recruiting 45:2 47:8,17,19 63:24 64:4 70:7 red 163:23</p>
---	--	--

<p>reduce 65:25 reenforcing 95:23 reenter 38:19 Reentering 35:6 38:2 REES 2:10 refer 13:10 22:20 57:25 58:25 79:22 84:21 95:20 reference 23:12 41:5,7 55:25 61:23 65:15 66:4 83:7 84:23 125:23 144:21 162:9,18,20 163:10 171:12 183:23 referenced 18:10 32:10 66:5 97:2 145:5 148:2 references 40:5 88:21 89:20 93:17 93:19 97:20 125:25 163:2,4,24 167:23 176:6 188:19 referencing 36:6 40:6 168:17 176:16 187:13 referral 98:10 123:17 159:15 referrals 144:11,11 159:24 167:2 referred 32:10 56:3,4 62:13 89:24 91:21 104:23 referring 14:9 15:16 24:17 59:3,4 65:11 69:16 90:16 93:15 94:10,11 99:11 127:17 reflect 24:19 27:8 34:14 95:7 182:10 reflected 61:11,13 reflects 189:3 refraining 8:21 refresh 83:3 regard 184:13 regarding 12:2 45:4 46:3 regards 152:11 region 143:25 145:24 regular 64:16 rehabilitating 184:23 rehabilitation 30:2 71:19,22 72:2 73:6,14,19 74:23 75:18 77:2,5,14 77:19 78:5,18,23 79:7 81:2,17 84:24 85:11 87:7 88:2,4 95:10 96:15,18,23 97:12,16 99:16 184:6 184:16,21 185:2,4 188:5,8,11 reintroduced 73:25 REISBAUM 2:6 reiterate 127:25 rejected 84:11 relate 151:24 185:21 related 22:25 36:16 89:12 107:25 186:15 197:10 relationship 142:11,14 relationships 124:5,21 167:2 relevant 116:20 reliability 104:20,21 reliable 73:12 177:20 178:3 179:20 reliance 18:5 61:23 relied 12:9 61:18 62:3 70:25 81:7 82:25 83:8 89:9 100:9 101:10,15</p>	<p>112:5 127:4 147:19 148:3,5 149:10 160:3 179:18 180:15 relies 18:20 88:21 relocated 124:2 rely 59:13 83:24 84:2 91:17 100:7 101:7 102:19 104:21 130:24 131:3 137:4 146:21 168:8 179:20 relying 16:17 18:2 60:18,22,25 63:20 104:8,13 114:18,21 143:5 145:11 180:10 remain 30:20 66:3 remainder 41:13 remember 61:21 remote 4:10 remotely 4:6 rep 118:5 repeat 6:15 74:18 188:21 repeated 190:6,16 rephrase 6:22 137:10 192:23 replicable 137:4 replicate 56:20,24 57:12,23 128:13 137:18 139:11,18 141:6,13,20,21 144:25 replying 68:5 report 10:3,5,7 11:14,17,19 12:24 17:3,8,11,14 18:2,10,20 22:19 23:19 31:23 32:2,4,6,7,13,14,15 32:20,23 48:25 49:2,20 50:13 54:7 56:16,19 57:11 61:4,12,14 61:16,17 62:5 64:6,21 65:3,12,14 69:3,15 70:15 71:16 72:17 73:5,9 75:5,13 79:14,15 82:14,24 83:5,9 83:12,21,24 88:12,16,21 89:9 91:24 94:7,13,17 96:5,11 97:24 99:2,4,8,21 100:3 101:7 102:6 124:11 134:15 142:2 143:14 144:23 147:4,20 161:12 165:16 168:2,8 173:8,8 180:16 181:4 182:5,25 186:16,22,23 187:2,9,24 188:2,3,6 196:8 reported 162:22 reporter 1:23 4:2,7,22 5:7,12 6:24 7:16 23:13,17 42:14 66:16 180:23 reporting 4:12 reports 58:2,4 127:22 188:10 191:19 192:14 represent 5:8 98:5 representation 55:22 representative 150:25 151:2 request 86:7 131:6,8,17 requested 18:9 19:4,5 66:18 requests 8:11 require 41:24 106:3,4 140:9 144:9 167:15 required 29:21 30:9 72:9 75:9 105:9 106:10 119:4 133:9 152:8 153:21,23 159:14 185:10 191:12 192:14 193:2</p>	<p>requirement 29:23 153:4 192:22 requirements 101:2 106:2,9 107:22 147:3 193:13 requires 29:9 119:20 140:11 rereferral 98:12 research 11:2 12:4 13:18 29:10 31:12 36:9 37:21 44:21 48:11 53:23 65:2 71:9 76:10 78:25 89:6 94:4,5 99:8,19 133:20 134:7 144:8 145:19 182:6 188:24 researched 13:20 66:9 Reserve 93:9,12 reserved 3:12 resided 123:20 124:4 residency 118:9,12 residential 145:23 resources 88:20 89:19 92:11 93:15 93:17,19 97:20 respect 47:18 55:17 93:13 108:8 125:18 128:14 134:6 145:7 154:19 167:14 179:7 183:13 respected 184:10 Respectfully 66:14 76:22 respective 3:6 respond 12:13 121:24 responded 80:10 response 7:9 30:24 47:4 50:14 52:24 53:4 54:24 56:13 66:12 67:9 71:6,12 72:21 73:3 74:3 76:3 76:20 78:7 80:11 90:5 95:19 102:13 106:12 107:6 124:12 138:10 144:19 147:24 160:12 161:7 177:11 184:18 185:18 192:20 responses 7:5,18 responsibilities 76:12 105:8 106:6 106:21 109:18 110:6 123:21 137:22 138:6,7 responsibility 140:14 responsible 6:9 rest 43:4 97:19 145:7 restate 6:18 results 81:8 174:5 182:6 resume 42:9 44:16 45:13,18,19,23 46:6,11 50:17,21 51:5,8,11,13,16 71:2,5 112:20 133:14 138:20 140:16 retained 19:19,22 20:5,7 retainer 20:11,13,15,20 21:12 22:13 return 184:24 Returning 184:23 revealing 9:23 review 16:21 31:20 44:10,13 45:12 45:17,22 46:5,10 50:23 51:7,10 56:22 85:24 88:10 100:15,18 101:10,14,18 102:20 108:13,16 109:5,15 130:11 162:13 183:8</p>
--	--	---

reviewed 10:3,4,5 16:24 30:12
 31:16 53:18,22,25 57:18 70:21
 83:10 88:13,14 91:6,9 92:6,8,12
 92:14,19 93:3,6,7,10 95:25 97:14
 97:17 99:22,25 100:17,20 101:12
 101:13 102:11,17 103:6,8,11
 108:25 109:8 130:13 184:14
reviewing 56:15 71:10 72:7 106:14
reviews 94:11 188:10
revised 89:3,4 91:10 94:23
rewound 164:23
Richard 89:14 90:16 91:9 92:13
 94:10 95:4 97:4
Rick 184:3,8
right 12:25 19:11,18 33:19,25 34:3
 34:5,7 83:2 94:14 97:11 108:3
 109:14,15 114:19 118:21 119:21
 122:25 134:3,7 135:20 136:16
 140:25 141:5 145:13 150:20
 151:10 154:2 156:4,6 172:13
 183:11 185:8 186:9,12 187:6,15
 189:17 190:25 191:2 192:10
 193:9,18
risk 167:8,8
Riverside 6:2
road 2:4 117:7
Robinson 87:25 184:3,9,16,17
role 98:23 101:7 133:9 138:8
 142:17 145:18 146:21,22,25
 157:4,4 170:10,14,18 171:16
roles 23:4 52:5 59:22 106:4 122:24
 123:23 126:24 134:23 149:2
Rona 1:19 5:10,23 17:12 26:13,19
 86:11 195:7,17 196:4
rook 133:10
routinely 174:24
rule 4:5 175:6,7
rules 8:18 146:9,13 147:2 178:11
ruling 177:23
run 16:5
runway 142:20

S

S 1:4 2:2 196:6
Saks 68:16
sales 42:11 118:5 143:24 144:4,12
Sam 2:18
sample 56:4,4,16,17 100:15 108:18
sampled 171:24
samples 10:4 132:24 133:2,3,5,10
 133:15,17 187:6
sampling 14:19 55:13 100:11
saw 188:7
saying 37:18 41:7 149:2
says 33:18,24 34:3,5,7 37:10 49:7
 58:14 70:15 182:9
Scarsdale 124:4 149:5
school 27:24 122:25

science 81:3,6,17 85:2 166:12
scientific 28:5 54:12,22,23
scope 19:18,22,24 20:14,21 21:2,6
 21:11,13 22:12
screen 158:19,22 160:15
scroll 17:17 23:13 24:11 25:20
 34:20 35:15 37:8 42:14
SCULLY 2:10
se 54:6 87:16
sealing 3:7
search 20:3 21:4 23:10 24:10 25:3,6
 25:7,14 34:18 36:19,24 37:6,7
 38:14 42:9 44:3,23 58:19 64:10
 64:16 65:2,22,25 66:2,10,22,25
 67:5,6,12,16,19,24,25 68:7,15,17
 69:7,23 70:10 71:11 82:18 84:17
 84:20 87:23 88:6 90:2,4 92:17,23
 95:9,11,21 96:2,25 98:4,6 108:20
 108:23 129:13,19 131:11,16
 141:18 152:11,13 155:8,14
 157:13,22 158:5 160:2 161:15,19
 162:4 174:25 175:19 179:25
 182:13 184:5 186:4 187:20
searcher 153:4 175:3
second 16:5 33:24 36:17,21 42:18
 47:13 64:7,11 68:12 123:18,19
 125:6 181:5 182:8
secondhand 148:4
section 49:3 71:16 89:25 98:25
 182:9
sections 99:4
Security 85:16
see 17:18 18:4 23:24 24:12 25:21
 33:12 34:22 37:10 42:12 49:14,22
 56:6 58:23 62:11 64:11,23 66:3
 70:14 76:5 78:13 89:5,23 95:10
 124:7 127:23 139:9 143:15
 163:22 169:3 174:2 180:25 181:4
 181:25 182:20 190:16
seek 61:9 144:11 151:25 152:3
 164:7 166:19 179:12
seeker 67:21
seekers 65:25 98:6
seeking 38:13,24 39:10,11
seen 26:23,25 41:5,7 113:24 129:11
 164:23 193:15
selection 107:18
self-described 40:17
self-organization 72:12
self-sustaining 39:12
seller 144:13 151:15
seller's 151:2
send 13:4
senior 107:4
sense 60:16 98:6
sent 17:9 160:17
sentence 64:14,23 65:21 67:3
sentences 78:12

separate 4:10 88:3
separation 182:16
September 65:19 182:12
series 6:8 51:25
serve 98:19
serves 185:2
service 30:3
services 20:17,18 38:13 41:10
set 20:13 39:7 167:21 197:7,15
setting 12:17 133:4
settings 99:18
settlement 40:24
seven 30:7 39:21 75:11
severe 132:9,10,10
sex 170:19,22 171:3,13
shape 32:11
share 148:22,23 175:25 194:6
SHEARMAN 2:15
short 132:19 190:9
shot 160:15
show 148:25 183:23
side 101:5
sift 139:9
signed 3:16,18 195:19
significant 38:11 49:9,18,21 50:2
 51:13 109:2 134:17 135:14
 151:12 159:21
significantly 143:20
similar 35:22 52:3 56:8 57:16 96:17
 110:20 111:17,20 138:8
similarities 112:11
similarity 53:7,13 54:9 55:19
similarly 7:13 84:10 112:4
simply 95:23 174:9
single 55:21 75:15 79:23 108:15
sir 20:25 21:10 32:24 69:16 71:13
 81:6 82:11 89:17 103:23 111:24
 130:5 137:10 138:16 161:4 188:2
 190:22 192:20
sit 30:6,15 119:5 173:4,10
site 176:13
sites 64:22 173:23,24 174:21,23,23
 175:4,12 176:4
sitting 131:20 183:22
situated 59:17
situation 40:3
six 39:21,21 63:15 67:6 75:25 93:23
 94:7,17,18 96:19 97:5,7 119:19
 158:12,14 159:11 165:18,22
 166:9 190:13
sixth 35:3
size 135:14 138:3 181:16,19
SJS 99:24
skills 22:23 31:5 36:10 37:22 44:15
 45:22 46:4 49:10,18,22 50:2
 51:14,17,21,21,24,24 52:6,22
 58:16 62:16 70:5,24 72:9,13,16
 72:24,25 75:7,8 85:24 105:8,10

105:14 109:19 110:9,18 111:11 111:13 115:9 126:7,9,16 132:23 134:17 136:14 137:24 165:11 167:21 185:15 skip 185:24 191:9 skipped 185:20 slightly 38:5 Sloan 47:15,16 48:10 slowly 24:12 small 75:15 smaller 35:13 138:8 SOC 139:7,12,19,21 141:4,7 169:8 173:6 social 30:3 85:16 solely 99:8 solving 52:4 72:15 somebody 60:17 132:19 148:20 184:24 somebody's 59:13 someone's 31:9 61:7 85:24 somewhat 28:12 38:5 52:5 69:5 106:8 107:15 140:21 143:11 152:9,18 153:17 167:7 168:22,24 182:13 sophisticated 133:8 sorry 32:20 48:4 49:19 114:3 142:25 143:10 sort 8:17 160:16 173:13 sorting 114:23 139:19 sought 135:2 162:19 163:12 sound 97:24 source 16:25 68:5 92:7 177:6 sources 66:20 69:2 89:11 148:4 177:8 SOUTHERN 1:2 speak 80:5 162:12 164:17 speaking 9:25 33:5 38:10 40:8 46:18 175:10 190:12 special 120:19,22 121:6,7,12 specialists 43:9 specialization 47:2 specialize 113:15 specialty 46:24 specific 54:5 94:6,9,18 106:9 139:22 140:23 168:5 169:4 185:11 specifically 8:4 19:21 21:9 91:23,25 109:16 121:17 135:19 specifics 110:23 speculative 132:21 148:20 154:17 speech 27:20 spent 56:8 split 150:22,25 splits 150:15,19 151:16 spoke 63:2,4 spoken 48:10 spreadsheet 182:24 ss 195:4	stages 103:11 staging 151:14 Staller 11:9,11,13,22 12:11,25 15:7 16:17,21 18:6,14 19:6,12,15,19 21:13,17 22:3,7 56:25 57:4,8,11 58:12 136:18,22 Staller's 12:21 13:7,9,21 14:3 15:25 16:4,13 22:10 180:7 stand 173:21 standard 20:15,20 21:2,6,12 22:13 22:16,16 68:18,24,25 69:9 88:20 93:15,17 97:20 139:3,5 141:7 151:19 152:8 154:18 155:3 standardize 73:18 standardized 73:10,15 79:15 138:23 standards 23:9 24:7 25:4,5 30:13 64:9 65:15 154:20 standing 152:23 154:4 start 32:6 33:2 39:19 143:10 148:19 149:6 starting 59:23 65:21 129:12 143:10 182:16 starts 35:3 67:3 startup 143:18 state 1:24 5:18,22,24 21:9 41:25 79:15 114:8 119:23 120:2,6 121:16,22 195:4,24 197:5 stated 54:21 68:15 97:24 180:20 statement 23:25 49:6,14,16 50:16 58:14,23 59:2 87:16 94:21 104:24 129:15 147:9 160:25 166:20 statements 129:22,24 132:5,7,15 states 1:2 68:12 70:20 73:10 120:9 statistic 168:12 statistical 28:7,10,13 53:16 99:19 99:20 100:7,10 101:8,11,15,19 102:7 103:15 165:23 166:6,12 statistically 166:16 statistics 11:2 28:15,16 101:24 103:22,25,25 104:9 143:9 156:24 156:25 157:17 168:9,10,18 169:5 169:18 170:2 171:2,4,6 185:13 stay 145:25 Steinhardt 27:24 Stenotype 1:23 step 76:7 78:22 79:7 98:9,17,21 106:13 107:19 123:16,18,19 126:4 185:20 186:14 step-by-step 86:5 steps 21:20 30:19 37:3 38:8 70:9 71:21 72:4,6 73:20 74:22 75:2,4 75:13,17,21,22,24 76:11,16,19 77:6,7,11,14,23 78:9,11,13,17,21 79:10,23,25 80:14,16,18,21 87:14 87:19 88:9 98:14,15 105:20 106:16 107:8,25 108:2,5 123:5,8 123:14 186:3,7,11,25 187:13,14	187:15 STERLING 2:15 Steven 47:14 Steward 95:12 stick 110:4 stipulate 4:21 stipulated 3:4,10,15 4:2,13 5:6 Stipulation 1:21 5:13,14 STIPULATIONS 3:2 stood 162:12 straightforward 103:23 strategist 34:18,23 36:25 Strategy 42:9 Street 64:19 strengths 79:2 stress 132:19 Strictly 46:2 strifes 102:23 strong 99:18 studied 89:15 studies 28:9,11,14 study 89:12 92:4,20 93:24 94:3 99:13 115:10 119:6,18 127:4 128:15 subcomponents 43:17,20 subject 22:4 35:20 37:16 39:15 40:15 64:16 98:13 163:8 subjective 140:2,19 submit 30:9 submitted 10:3 subscribed 195:19 subsection 70:14 subsequent 87:9 substance 10:10,14,16 166:6 substantial 36:13 47:16 substantially 116:4 175:20 substantiate 183:16 success 66:11 68:13 successful 70:9 successfully 122:23 126:24 suffer 9:4 suffered 129:7 132:9 sufficient 76:19 suggesting 86:22 suggestions 98:3 suitable 135:8,11,23 136:6,14 137:8 155:9 165:15 181:13 192:17 suite 2:4 6:2 47:6,7 summarize 10:6 summarized 23:25 72:7 75:14 182:12,24 183:5 summary 23:20,22,24 24:12,15 69:19 72:22 76:19 supervise 102:2 supervisor 162:21 supervisory 106:4 138:5 support 129:24 186:2 supporting 87:12
---	---	--

<p>supposed 98:19</p> <p>sure 12:20 13:3,6 20:7 23:21 25:21 25:22 35:22 42:15 54:23 55:21 56:10,21,23 65:10 66:23 67:13 74:17 75:20 84:21 92:18,21 97:25 101:9 116:14 121:20,21 123:8 125:14,19,20 137:9,11 150:23 158:24 165:6 166:3 169:11 173:25 179:4,9 180:5,18 183:20 187:12 190:5 191:8</p> <p>surfaced 174:5</p> <p>sustained 38:7 65:21</p> <p>swear 4:20,23</p> <p>sworn 3:18 5:17 6:9 197:7</p> <p>system 159:15,25</p> <p>systematic 79:16</p> <p>systemic 73:10</p> <p>systems 158:17 160:8,14,14</p>	<p>119:10 120:24 121:4,6,15 129:17 142:5</p> <p>terminology 114:14</p> <p>terms 40:22 85:23 123:20 126:12 150:11 152:6 163:16 164:24 178:12 187:11</p> <p>Terrific 6:7 8:20</p> <p>testified 5:19 9:14 43:16 77:4 81:22 85:5,21 87:8 111:24 155:25 160:18 170:25 178:23,24 192:8</p> <p>testify 7:12 8:22 9:2 79:14 81:13,15 161:18 172:8,10</p> <p>testifying 11:5,11 104:17 146:8 147:4 154:6 179:13</p> <p>testimony 6:25 9:15,21 10:2,11,15 22:14 27:9,12 43:23 61:19 66:19 77:9 81:20 82:22 83:4,14,20 94:21 109:20 145:9 146:14 161:10,10,13,16,17,23 178:10,16 179:2,8,13,17 182:10 193:21 195:8,11 197:9</p> <p>testing 126:17,21,25 127:7,24 128:2,6 187:5</p> <p>text 98:14 140:13</p> <p>textbook 91:15</p> <p>texts 94:25 97:2</p> <p>Thank 54:24 84:16 118:20 156:18 166:17 169:9 188:4 193:20,25</p> <p>theirs 112:10</p> <p>theoretical 95:12</p> <p>thing 12:2 20:16 39:18 113:25 122:5 125:21</p> <p>things 10:8 38:15 45:9 95:23 97:22 124:18 133:7 138:17 147:22 150:12 151:5,14</p> <p>think 13:4,8 14:4 23:20 43:3 60:10 66:14 74:25 79:11 87:5,24 98:22 103:2 113:11 127:6 134:15 139:15 144:4 149:3 154:16 176:2 178:18 184:2 190:7 192:3,19</p> <p>thinking 106:13</p> <p>third 34:3 65:17 103:17</p> <p>thought 14:6 72:17 79:2,3 87:9 100:21 106:21 163:16 172:2</p> <p>thoughts 60:2</p> <p>thousands 173:14</p> <p>three 25:11 30:12,23 61:6 65:16 67:3 70:14 73:7 74:6 79:11 89:18 90:17 91:5 186:14</p> <p>tied 37:21 66:11 160:11</p> <p>ties 40:10</p> <p>time 1:22 3:12 5:2 7:3,21,21 18:22 24:7 25:25 27:3 36:14 38:12,16 38:23 39:2,23 42:25 49:7 50:7 56:9 57:9 59:21 63:2,11 66:2 67:25 68:2 74:18 83:7 90:13,14 91:21 101:2,4 103:17 119:12,18 121:14,24 122:22 123:2,3,25</p>	<p>142:4 144:8,8,10,10,16 149:18 156:14 157:2 161:12 163:16 166:4 174:2 182:15 183:12,15 184:25 186:6 189:15 190:6,7,9,19 191:23 192:25 193:20,22</p> <p>times 9:9 26:25 36:12 47:5 64:20 104:14 113:25 129:11</p> <p>tips 98:6</p> <p>title 40:4 135:15 138:15</p> <p>titles 40:18 76:12 105:23 138:2,12 138:21 177:4</p> <p>today 5:9 6:5,7,24 7:4,17,24 8:6,9 8:14,18,23 10:11,14,15,18 11:11 40:3 43:16 61:17,19 91:15 131:20 143:3 161:18 183:15,22 193:20</p> <p>today's 9:21 10:2 163:21</p> <p>told 144:8 145:11 149:20</p> <p>Toni 1:23 4:22 5:17 17:7,17 24:11 26:10 34:20 35:15 37:9 43:13 194:3 197:4,19</p> <p>tools 95:8 174:10</p> <p>top 17:18 26:22 49:6</p> <p>topic 40:18</p> <p>topics 91:3 115:18,19</p> <p>total 182:11</p> <p>track 163:21</p> <p>tracking 158:16 159:14 160:8,14</p> <p>train 117:8</p> <p>trained 125:22</p> <p>training 28:5,7,10,14 48:22,24 52:12,13 101:23 113:7 115:13</p> <p>transact 130:19</p> <p>transactions 58:17</p> <p>transcribing 6:25</p> <p>transcript 195:8,10 197:8</p> <p>transferability 126:5</p> <p>transferable 31:5 36:10 37:22 49:10,18,21 50:2 51:14,17,20,21 51:24 58:16 110:19 111:11,13 115:9 126:7,9,16 132:23 134:17</p> <p>transferred 52:7</p> <p>travel 106:4 118:5 191:12,15 192:13,24</p> <p>treating 132:5,8</p> <p>trial 3:13 7:25 9:15 25:19,19 172:10 178:13,24 179:3</p> <p>trials 9:16</p> <p>Triangle 89:25 92:15</p> <p>true 69:6 141:16 153:11 155:5 160:5,6 167:24 192:11 195:10,12 197:8</p> <p>truth 6:10</p> <p>truthfully 8:22</p> <p>try 6:17 7:4 178:22 188:14</p> <p>trying 16:9</p> <p>TSA 126:8</p> <p>turn 17:20</p> <p>turned 14:6,21</p>
T		
<p>T 1:1 2:1 3:1 4:1 5:1 195:2 196:6 197:2,2</p> <p>table 17:19</p> <p>take 7:2,19 8:9,15,16 21:20 23:21 38:8 74:12,15 86:7,17,19,22 98:11 116:6 119:12,15,19 148:14 151:16 153:21,23 156:18 160:15 163:17 165:12,18,21 166:25 169:13 180:23,25 193:9,17</p> <p>taken 1:20 8:16 87:4 161:13 181:3 195:8</p> <p>takes 144:10,16</p> <p>talk 130:18 185:9</p> <p>talked 111:11 183:14</p> <p>talking 32:4 38:6 89:5,8 121:7 153:18 161:4 171:6</p> <p>task 72:24 113:13 133:5 140:13</p> <p>tasks 52:3 72:9 77:25 106:21 112:19 120:3 137:22</p> <p>team 142:23</p> <p>technical 136:9</p> <p>technology 109:25</p> <p>tell 6:9 9:25 19:2 22:18 33:5 35:20 36:20 72:4 83:24 92:2,9 113:16 125:2 156:14 166:2 177:16 190:18</p> <p>telling 10:9 15:5</p> <p>tells 84:2</p> <p>temporarily 181:21</p> <p>ten 74:13</p> <p>tend 168:25 177:10</p> <p>tended 107:2</p> <p>tender 193:19</p> <p>tends 139:22 175:22</p> <p>term 31:3 51:22 53:9,11 54:23 56:3 67:12,14,15 95:22 132:17,20</p> <p>terminated 69:23 121:11 127:13</p> <p>termination 44:3 54:11 68:20</p>		

<p>Turner 14:10,11,15 95:13 99:11,13 100:16,19 101:7,15 102:3,16 103:4</p> <p>Turner's 103:14</p> <p>Turning 35:17 64:6 91:10 182:5</p> <p>twelve 158:12,14 159:11 165:19,22 166:9</p> <p>two 18:23 25:16 27:19 42:25 43:17 50:6 51:4 58:16 61:6 62:12 67:5 79:11 93:16 112:23 115:18 116:3 125:7 138:17 143:23 147:25 171:17</p> <p>type 20:24 29:25 79:24 109:21 111:15 120:19 127:12,16,17 128:25 129:23 146:22 178:5 180:4 185:16</p> <p>types 50:11 75:22 109:23 110:5,17 116:2 122:22 130:21 136:22 148:25</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>Uh-huh 24:16</p> <p>ultimately 190:24</p> <p>unable 122:15</p> <p>unauthorized 4:17</p> <p>unclear 80:11 187:22</p> <p>underemployed 38:13</p> <p>undergraduate 27:15</p> <p>underlying 49:25 71:25 91:15,25 168:15</p> <p>underscore 26:13</p> <p>understand 6:20 8:6,17,19 12:8,13 15:4 16:9 18:12 20:8 31:12 35:25 38:21 39:8 48:5 51:16 52:11,22 54:17 62:15 66:23 85:24 98:23 103:20,25 123:15 133:25 137:9 139:25 146:8,12,19 147:8 150:10 150:14 154:3,8 156:10 164:20,21 173:15 179:11 187:12 188:25</p> <p>understandable 6:23</p> <p>understanding 23:16 31:6 37:22 40:2 57:21 60:14 75:8 77:9 82:12 113:12 144:25 146:20 151:24 152:7 153:14</p> <p>understood 65:24</p> <p>undertake 136:4</p> <p>undertakes 187:11</p> <p>unemployed 49:8 59:23 66:3 67:4 90:8 101:3 119:5</p> <p>unemployment 21:8 23:7,11 65:24 109:4 159:8 161:21 162:2 168:8 170:3 171:7 188:16 189:12</p> <p>unfilled 170:11 190:25</p> <p>unhappy 129:9</p> <p>UNITED 1:2</p> <p>units 30:22</p> <p>University 27:24 184:6</p> <p>unpublished 188:22 189:9</p>	<p>unqualified 154:2,13</p> <p>unreliable 6:13 180:15</p> <p>unusual 132:18</p> <p>update 95:6</p> <p>use 16:3 19:3,4,5 40:18 51:18,20 53:10 57:6 67:11,13,18 69:14 70:2,19 75:19,23 79:20 84:25 85:10 87:22 102:7 111:20,25 112:12 136:22 138:22 139:3,7,24 141:8 142:22 173:13 174:10 183:13,17 189:10,14,19</p> <p>useful 51:3 73:21 138:25 167:13</p> <p>usually 31:11 38:10,15 79:12 84:21 106:9</p> <p>utilization 80:25</p> <p>utilize 38:18 72:14 94:17 117:19 178:4</p> <p>utilized 20:19 32:14 83:4 91:24 171:7 177:14</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>V 49:3</p> <p>VAGNINI 2:3</p> <p>valid 73:11 87:13,21</p> <p>VALLI 2:3</p> <p>valuation 43:9</p> <p>Van 67:7,11,18</p> <p>variation 150:15</p> <p>variety 24:8 92:25 99:18 176:3</p> <p>various 75:9 76:16 137:22</p> <p>venue 113:14</p> <p>verbal 7:18 147:24 161:10</p> <p>verified 173:17</p> <p>verify 183:9</p> <p>version 27:2 65:12,13 155:2</p> <p>versus 33:10 123:25 151:15 159:25 174:13</p> <p>viable 107:17</p> <p>vice 181:7,8,9,15</p> <p>video 6:13</p> <p>videoconference 4:9,14</p> <p>view 135:7,21 136:7</p> <p>viewed 182:10</p> <p>views 146:24</p> <p>violation 4:17</p> <p>virtual 116:19</p> <p>vis-a-vis 152:5</p> <p>vocational 17:14 29:8,11,15 30:2,8 31:2,3,10 35:10 39:16 40:13 71:18,22 72:2 73:5,10,14,19 74:23 75:17 77:2,4,14,18,22 78:17,23 79:7,16,19 80:3,25 81:16 84:23 85:10 87:6 88:2 94:24 96:15,18 98:8,16 99:15 112:9 113:8 115:12,13,14,15 123:5,9,15 125:18 128:8 133:4 143:3,6,11,13 146:6,16 148:2,12 165:8 183:14,25 184:15 187:14</p>	<p>188:5,8</p> <p>vocations 53:22</p> <p>volunteer 123:23</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>W 5:15 6:2 195:2</p> <p>waived 3:8</p> <p>walk 105:18 186:10</p> <p>walking 186:9</p> <p>Wall 64:19</p> <p>Wanberg 66:4 67:7,11,17 68:3</p> <p>want 8:14,15 13:18 15:4 42:15 48:14 65:9 74:5 75:20 127:25 146:4 150:7 157:15,15 180:13 181:24</p> <p>wanted 119:3</p> <p>wants 74:19</p> <p>wasn't 56:10 110:3 123:8 157:9</p> <p>way 6:22 14:2 32:10 33:9,14 37:18 56:18 58:9 80:7 82:20 94:12 114:9 129:10 141:3,19 153:20 159:22 163:9 165:3 168:17 177:24 178:22 197:13</p> <p>ways 118:25 123:24 144:15 151:16 162:23 163:2</p> <p>we're 8:18 36:22 49:2 86:17 89:5 94:11 125:16 180:24</p> <p>we've 97:8 98:16 187:6</p> <p>web 1:21 5:10</p> <p>week 65:18</p> <p>weeks 63:5,13 157:6 168:14 190:13</p> <p>well-educated 126:23</p> <p>well-published 184:11</p> <p>well-regarded 66:9</p> <p>well-written 133:14,25</p> <p>went 14:5,8,11,17 56:6 57:16 86:21 162:6 173:9 176:11</p> <p>weren't 15:3 186:8 190:5</p> <p>West 116:11</p> <p>Westchester 116:12 118:6 143:25</p> <p>Wexler 1:19 5:10,23 6:1,4,5 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1,10,12,15,22 18:1 19:1 20:1 21:1 22:1 23:1 24:1,14 25:1 26:1,12,13,14,18,19,20 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1,21 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1,14 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1,20 97:1,6 98:1 99:1 100:1 101:1 102:1 103:1 104:1</p>
---	--	--

105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1 124:1 125:1 126:1 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:1 135:1 136:1 137:1 138:1 139:1 140:1 141:1 142:1 143:1 144:1 145:1 146:1,4 147:1 148:1 149:1 150:1 151:1 152:1 153:1 154:1 155:1 156:1 157:1 158:1 159:1 160:1 161:1 162:1 163:1 164:1 165:1 166:1 167:1 168:1 169:1 170:1,2 171:1 172:1 173:1 174:1 175:1 176:1 177:1 178:1 179:1 180:1 181:1 182:1 183:1 184:1 185:1 186:1 187:1 188:1 189:1 190:1 191:1 192:1 193:1 194:1 195:7,17 196:4,8,9 whatsoever 64:4 WHEREOF 197:15 white 102:24 138:20 169:23 wide 110:9 139:6 wider 141:18 wife 92:14 Win 42:19 wish 8:9 18:9 33:13 184:14 Withdrawn 11:21 17:6 43:15 83:18 137:3 witness 1:20 4:8,9,20,23,25 5:9,16 19:11 24:12 26:16 74:17,21 86:15 86:19,24 179:13,18 193:19,24 194:8 196:3 197:6,9,15 women 42:21 word 51:20 88:8 184:21 193:9,14 worded 135:11 words 52:6 155:12 work 16:17,21 19:19,22,24 20:9,14 20:21 21:3,7,11,13,21,23 22:13 30:10,14 34:21 35:11,20 36:4,13 36:17 37:19,25 38:16 39:9,17 40:4,5,12,16 43:9,10,11 47:18 48:8 52:20 56:20 57:23 58:9 60:15 61:9 70:5 71:3 72:15 73:24 76:25,25 88:5 91:16 92:3,12 95:9 96:2 100:2 101:10,12,14,19 103:12,14,21 104:9,20,22 110:8 111:17,20 114:13 120:4 125:5,23 129:8 131:15 132:24 133:2,3,4,5 133:10,14 137:18 139:11,18 141:6,13,20,21 142:18,20 143:21 152:15,17 155:10,13 162:23,24 162:25 184:23,24 187:5 188:9 worked 19:15 39:4 48:7 118:12 150:8 163:25 workers 85:13 workforce 35:7 38:2,8,12,20,22 42:23	working 47:24 48:12 50:4 78:2 110:6,7 144:14 167:12 181:20 workman's 85:16 works 35:17 41:2,12 94:7,18 96:20 Workshop 42:10 world 36:4 64:21 90:7 93:5 95:8,16 163:21 173:19,22 174:6 wouldn't 83:8,20 84:10 119:12 133:22 134:2 163:22 174:11 180:13 wrap 181:2 writing 133:3,16,23 written 4:16 20:10 46:2 90:6 149:18 wrong 86:21 wrongful 68:19 <hr/> X <hr/> X 1:3,14 5:15 166:3 196:2,6 <hr/> Y <hr/> yeah 9:19 year 108:19,20 109:3,7,10,15 144:2 149:21 156:10,20 172:4 years 30:7,23 39:5,6,9,22 46:23 50:5 61:15 65:17 67:3 76:16 81:9 99:17 102:21 105:13,16,17 118:4 142:20 143:19 161:20 162:4,5 163:25 190:7 York 1:2,24 2:4,8,8,12,12,17,17 5:18 6:3,3 27:24 35:7,11 38:4 64:20 93:9 116:13 117:3,8 118:6 119:4,13,23 120:2,6 121:16,22 143:25 195:4,24 197:5 Yorker 7:8 younger 168:24 <hr/> Z <hr/> Zhand 66:4 68:4 Zhu 66:4 67:7,11,17 68:3 Zoom 4:11 <hr/> 0 <hr/> 1 <hr/> 1 17:10,15 196:8 1-10 1:11 1.18 65:18 10 86:15,23 93:15 135:16 162:5 163:25 10:13 1:15 100 144:9 182:11 100,000 148:6 1000,000 144:2 10001 2:8 10004 2:12 10032 6:3 10222 2:17	11530 2:4 12 102:10 12:00 74:16 12:10 86:8 12:40 87:2 13 48:25 134:14 143:13 14 64:6 75:2,17,21 14th 2:7 15 39:6,9 75:2 105:13,17 135:15 157:6 15900 6:2 16 66:6 68:11 17 65:14 67:2 196:8 18 157:6 168:14 174:8 18-cv-08188 1:7 19 25:9 89:4 91:10 93:14,18 94:23 174:8 1975 90:22 <hr/> 2 <hr/> 2 4:5 26:12,14,18 196:9 20 39:5 86:24 102:21 105:13,16,17 118:4 175:11 181:4 200,000 149:21 2000 68:16 2008 35:11 201 182:14 2011 184:17 2013 184:17 2015 34:19 2017 44:4 45:6 49:8 65:19 69:25 174:8 182:11 2018 65:19 108:21,24 182:12 2019 108:22 2020 182:17 2020.09 26:13 2021 1:15 195:9,20 197:16 22 94:23 182:5 220 2:7 23 23:23,25 230,000 156:10 25 23:22 86:24 89:24 92:15 93:20 156:20 26 67:7 196:9 268 68:17 269 66:5 68:4 27 68:2 28 4:5 28th 2:12 <hr/> 3 <hr/> 3 93:14,18 3:14 194:8 30 44:3 49:8 69:25 81:9 86:25 108:18 30,000 135:16 30s 157:5 30th 197:16
--	---	---

31 96:23 109:14

32 90:3 93:20

33 88:18

34 93:4,20 94:2

36 17:20

4

40 108:19 156:19 157:7

42 30:22

45 109:7,7,8,12,17

49 142:6 143:2,5

5

5 96:5,11 196:4

50 90:25,25 109:7

50s 142:15 157:5

519 2:4

55 142:19 143:10

599 2:16

6

6 1:15 96:5,11 195:9

600 2:4

683 182:18,22

6C 6:2

7

75 9:16

76 109:13 172:3,4

8

80 175:10

80/20 175:7

85 143:10

9

9 93:20

90 166:7

91 91:14

95 107:11 156:2 166:2,7